

Senate Bill 284

By: Senators Thompson of the 5th, Harp of the 29th, Adelman of the 42nd, Reed of the 35th and Wiles of the 37th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 13 of Title 50 of the Official Code of Georgia Annotated,
2 relating to general provisions in administrative proceedings, so as to provide for the award
3 of attorney's fees under certain circumstances; to provide for related matters; to repeal
4 conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Article 1 of Chapter 13 of Title 50 of the Official Code of Georgia Annotated, relating to
8 general provisions in administrative proceedings, is amended by adding a new Code section
9 to read as follows:

10 "50-13-24.

11 (a) An administrative law judge may award the prevailing party reasonable attorney's fees
12 and expenses of litigation in an initial or final decision in a contested case; provided,
13 however, that a respondent may be awarded reasonable attorney's fees and expenses of
14 litigation only upon a showing that the action was frivolous, unreasonable, or without
15 foundation or if any part of the action was interposed for delay or harassment.

16 (b) If, upon judicial review of any final decision in a contested case issued pursuant to this
17 chapter, the court rules in favor of the petitioner, then the court may in its discretion render
18 an award of reasonable attorney's fees and expenses of litigation to the petitioner; provided,
19 however, that a prevailing respondent may be awarded reasonable attorney's fees and
20 expenses of litigation only upon a showing that the appeal was frivolous, unreasonable, or
21 without foundation or if any part of the appeal was interposed for delay or harassment.

22 (c) Attorney's fees and expenses of litigation to be awarded under this Code section may
23 be requested by motion."

24 style="text-align:center">**SECTION 2.**

25 All laws and parts of laws in conflict with this Act are repealed.