

Senate Bill 379

By: Senators Chance of the 16th, Mullis of the 53rd, Stoner of the 6th, Jackson of the 2nd, Albers of the 56th and others

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Part 5 of Article 3 of Chapter 12 of Title 44 of the Official Code of Georgia
2 Annotated, relating to pawnbrokers, so as to provide for limitations regarding certain fees or
3 taxes for pawnbroker transactions; to provide for related matters; to provide for an effective
4 date; to repeal conflicting laws; and for other purposes.

5 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

6 **SECTION 1.**

7 Part 5 of Article 3 of Chapter 12 of Title 44 of the Official Code of Georgia Annotated,
8 relating to pawnbrokers, is amended by revising Code Section 44-12-135, relating to the
9 effect of pawnbroker general laws on local laws, as follows:

10 "44-12-135.

11 (a) Nothing in this part shall supersede existing local laws nor relieve a pawnbroker from
12 the necessity of complying with them. The requirements of local laws shall be construed
13 as cumulative to this part.

14 (b) The governing authority of a municipality or county and any department or agency
15 thereof shall not be authorized to adopt ordinances or resolutions that require the collection
16 of any fee or tax collected or imposed on pawn transactions on a per transaction basis or
17 on a sale of tangible personal property to a pawnbroker for purposes of resale by the
18 pawnbroker. This subsection shall not prohibit regulatory fees or occupation taxes levied
19 and imposed pursuant to Article 1 of Chapter 13 of Title 48. This subsection shall not
20 apply to any adopted ordinance or resolution effective prior to the effective date of this
21 subsection."

22 **SECTION 2.**

23 Said part is further amended by revising Code Section 44-12-136, relating to the supervision
24 of pawnbrokers by municipalities, as follows:

25 "44-12-136.

26 Municipal authorities may license pawnbrokers, define their powers and privileges by
27 ordinance, impose taxes upon them, revoke their licenses, and exercise such general
28 supervision as will ensure fair dealing between the pawnbroker and his or her customers,
29 except as expressly prohibited in this part."

30 **SECTION 3.**

31 This Act shall become effective on January 1, 2013.

32 **SECTION 4.**

33 All laws and parts of laws in conflict with this Act are repealed.