

SUMMARY OF
GENERAL STATUTES ENACTED
AT THE 2011 SESSION
OF THE
GENERAL ASSEMBLY OF
GEORGIA

LEGISLATIVE SERVICES COMMITTEE

OFFICE OF LEGISLATIVE COUNSEL

316 STATE CAPITOL
ATLANTA, GEORGIA 30334

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FOREWORD

We are pleased to present to you the Summary of General Statutes Enacted at the 2011 Session of the General Assembly of Georgia. This represents one of the services which the Legislative Services Committee and the Office of Legislative Counsel perform for the legislative branch of government. Other services include bill drafting, research, statutory and Code revision, rendering of opinions, counseling, legislative reference, interim committee staffing, and preparation of reports.

This document contains a summary of the general statutes of state-wide application which were enacted at the 2011 regular session of the General Assembly of Georgia. No resolutions, local Acts, or uncodified "population Acts" have been included. The document also includes a table of Code sections amended and enacted at the 2011 session.

It would be impractical to minutely analyze each statute because to do so would defeat the main purpose which it is hoped that this document accomplishes. It is intended to be used as a convenient reference for persons desiring to know which laws were enacted or desiring to ascertain the main features of each Act without the necessity of reading the Act in its entirety.

It should be pointed out that for specific, detailed information on any particular law, the Act itself should be examined. Acts may be readily located in the Georgia Laws by Act number, since the Acts are published in the Georgia Laws in numerical order by Act number. In addition, the Georgia Laws contain a table for converting Act numbers to Georgia Laws page numbers.

This summary is not to be deemed in any manner as an opinion from the Office of Legislative Counsel, and the question of constitutionality has not been considered in any respect.

It is hoped that this document will benefit all who have occasion to use it. Comments and suggestions for improvement are welcomed and should be directed to the Office of Legislative Counsel.

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The Acts in this summary are arranged according to the title of the Official Code of Georgia Annotated which they amend. In those cases in which an Act amends more than one Code title, the Act appears under only one of the affected titles. A table of titles appears below. No Acts are listed for those titles which are indicated by an asterisk.

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**TITLE 1
GENERAL PROVISIONS**

Act 245; HB 142

This Act makes extensive editorial amendments to the Official Code of Georgia Annotated to correct typographical, stylistic, capitalization, punctuation, and other errors and omissions, to repeal portions of the Code which have become obsolete or otherwise preempted, and to reenact the statutory portion of the Code as so amended.

Effective May 13, 2011.

**TITLE 2
AGRICULTURE**

Act 60; HB 225

This Act defines the term "sustainable agriculture" and states that it shall be the policy of the state to promote sustainable agriculture.

The Act amends O.C.G.A. Section 2-1-1 and enacts O.C.G.A. Section 2-1-1.1.

Effective July 1, 2011.

**TITLE 3
ALCOHOLIC BEVERAGES**

Act 48; SB 10

This Act provides that the governing authority of a county or municipality desiring to permit and regulate package sales by retailers of alcoholic beverages on Sundays between the hours of 12:30 P.M. and 11:30 P.M. may do so if such sales are approved by a referendum. If package sales of distilled spirits are lawful in the county or municipality, then the referendum shall include distilled spirits in addition to malt beverages and wine.

The Act amends O.C.G.A. Section 3-3-7.

Effective July 1, 2011.

**TITLE 5
APPEAL AND ERROR**

Act 186; SB 139

This Act provides for the status of nonmonetary orders in child custody cases to be in effect during an appeal unless otherwise stated in such order. The Act also clarifies provisions relating to jurisdiction over nonresidents in domestic relations cases.

The Act amends O.C.G.A. Sections 5-6-34, 5-6-35, and 9-10-91.

Effective July 1, 2011, and the provisions affecting appeals applies to notices or applications for appeal filed on or after July 1, 2011.

Act 200; HB 390

This Act authorizes the state to have the right of direct appeal rather than seeking a certificate for immediate review when a defendant's motion for new trial or extraordinary motion for new trial is granted.

The Act amends O.C.G.A. Section 5-7-2.

Effective May 12, 2011.

**TITLE 7
BANKING AND FINANCE**

Act 169; HB 239

This Act provides the Department of Banking and Finance the power to require dissolution of a financial institution in certain situations and revises definitions and provides an effective date for licensing of mortgage lenders and mortgage brokers. The Act also provides for the administration of a nation-wide system for licensing mortgage lenders and mortgage brokers.

The Act amends O.C.G.A. Sections 7-1-4, 7-1-113, 7-1-482, 7-1-655, 7-1-810, 7-1-1000 through 7-1-1002, 7-1-1003.2, 7-1-1003.5 through 7-1-1003.7, 7-1-1004, 7-1-1005, 7-1-1008, 7-1-1017, and 7-1-1018.

Effective July 1, 2011.

**TITLE 8
BUILDINGS AND HOUSING**

Act 87; HB 223

This Act provides an exemption for farm buildings and structures located on a farm from the requirements of state and local minimum standard building codes.

The Act amends O.C.G.A. Section 8-2-25.

Effective May 11, 2011.

**TITLE 9
CIVIL PRACTICE**

Act 117; SB 193

This Act updates the administrative provisions relating to the reimbursement to counties for habeas corpus costs by substituting The Council of Superior Court Judges of Georgia for the commissioner of administrative services in this administrative process.

The Act amends O.C.G.A. Section 9-14-53.

Effective May 11, 2011.

**TITLE 10
COMMERCE AND TRADE**

Act 79; HB 40

This Act provides that antifreeze sold in this state containing more than 10 percent ethylene glycol shall include denatonium benzoate as an aversive agent to render it unpalatable.

The Act enacts O.C.G.A. Section 10-1-202.1.

Effective July 1, 2011.

Act 201; HB 423

This Act provides that certain acts by residential roofing contractors as they relate to insurance claims shall be considered violations of fair business practices. The Act also prohibits certain acts by public adjusters or persons acting as public adjusters to use rebates or other compensation as an inducement for an insured to enter into a contract.

The Act amends O.C.G.A. Sections 33-23-43 and 43-40-25 and enacts O.C.G.A. Section 10-1-393.12.

Effective July 1, 2011.

**TITLE 12
CONSERVATION AND NATURAL RESOURCES**

Act 182; SB 121

This Act authorizes the Department of Natural Resources to sell retail malt beverages, wine, and distilled spirits at golf courses operated by the department. The Act modifies provisions for per diem reimbursements for members of the Board of Natural Resources. The Act authorizes the Department of Natural Resources to refund overpayments in certain circumstances.

The Act amends O.C.G.A. Sections 3-8-2, 12-2-23, 12-2-24, 14-5-21, 27-1-13, and 52-7-5.
Effective July 1, 2011.

Act 232; HB 90

This Act authorizes the State of Georgia and the Department of Natural Resources to transfer the state's interest in heritage preserve properties to a local government provided that certain conditions are met.

The Act amends O.C.G.A. Section 12-3-76.
Effective May 13, 2011.

Act 66; HB 125

This Act adds the Commissioner of Agriculture as an ex officio member to the Georgia Agricultural Exposition Authority and transfers the administration of the authority from the Department of Natural Resources to the Department of Agriculture. The Act also modifies the minimum annual mandatory meeting requirements of the Agricultural Education Advisory Commission.

The Act amends O.C.G.A. Sections 12-3-472, 12-3-484, and 20-14-90. The Act repeals O.C.G.A. Sections 2-3-1 through 2-3-12 and redesignates O.C.G.A. Sections 12-3-470 through 12-3-484 as O.C.G.A. Sections 2-3-1 through 2-3-15.

Effective July 1, 2011.

Act 70; HB 274

This Act expresses legislative intent supportive of recycling and the promotion of bioenergy and renewable energy goals and makes recommendations and establishes new requirements for the disposal of yard trimmings. The Act allows waste facilities operating exclusively for the disposal of construction or demolition waste materials that conduct recycling activities for such materials to retain surcharges collected from a disposer of the materials. The Act also extends the date from 2011 to 2014 for the collection of a tire fee to be collected by tire dealers on behalf of the state.

The Act amends O.C.G.A. Sections 12-8-21, 12-8-39, 12-8-40.1, and 12-8-40.2.
Effective May 11, 2010.

Act 76; SB 157

This Act provides that local solid waste management plan reports shall be optional and provides a procedure for updating or amending local solid waste management plans. The Act requires annual reporting to the Department of Community Affairs on the status of solid waste management of any municipal solid waste landfill.

The Act amends O.C.G.A. Section 12-8-31.1.
Effective July 1, 2011.

**TITLE 13
CONTRACTS**

Act 99; HB 30

This Act provides for enforcement of contracts that restrict or prohibit competition in certain commercial agreements and allows certain other restrictive covenants in contracts.

TITLE 13 (continued)

The Act amends O.C.G.A. Section 13-8-2, repeals O.C.G.A. Section 13-8-2.1 and Article 4 of O.C.G.A. Chapter 13-8, and enacts O.C.G.A. Sections 13-8-50 through 13-8-59.

Effective May 11, 2011, and applicable to all contracts which are entered into on or after that date.

TITLE 14

CORPORATIONS, PARTNERSHIPS, AND ASSOCIATIONS

Act 105; SB 64

This Act increases the fees for an application for reinstatement relating to business corporations, nonprofit corporations, and limited liability companies. The Act modifies provisions relating to the execution of instruments by corporations conveying interests in real property or releasing security agreements.

The Act amends O.C.G.A. Sections 14-2-122, 14-2-1422, 14-3-122, 14-3-1422, 14-5-7, 14-10-4, 14-11-603, and 14-11-1101.

Effective July 1, 2011.

TITLE 15

COURTS

Act 55; SB 39

This Act allows courts to create mental health court divisions and provides for procedure relative thereto.

The Act enacts O.C.G.A. Section 15-1-16.

Effective July 1, 2011.

Act 50; HB 415

Part I of this Act, the "Jury Composition Reform Act of 2011," provides for a modern and uniform system of compiling, creating, maintaining, and updating jury lists which will be administered by the Council of Superior Court Clerks of Georgia. Part II of the Act makes it unlawful to willfully and knowingly sell, purchase, install, transfer, or possess any automated sales suppression device or zipper or phantom-ware and provides for penalties. Part III of the Act prohibits public disclosure of certain public records relating to governmental security measures and the names of persons involved in such measures.

The Act amends O.C.G.A. Sections 15-6-50.2, 15-6-61, 15-6-89, 15-12-1, 15-12-3, 15-12-4, 15-12-7, 15-12-9, 15-12-10, 15-12-11, 15-12-20, 15-12-23, 15-12-24, 15-12-40, 15-12-40.1, 15-12-40.2, 15-12-41 through 15-12-46, 15-12-60 through 15-12-66, 15-12-82, 15-12-100, 15-12-120, 15-12-121, 15-12-124 through 15-12-130, 15-12-132, 15-12-133, 15-12-139, 15-12-160, 15-12-161, 15-12-164, 15-12-165, 15-12-169, 15-16-21, 16-10-97, 16-14-3, 21-2-231, 40-5-2, 45-11-4, and 50-18-72.

The Act enacts O.C.G.A. Sections 15-12-1.1, 15-12-43.1, 15-12-44.1, 15-12-62.1, 15-12-65.1, 15-12-66.1, 15-12-120.1, 15-12-124.1, 15-12-126.1, 15-12-129.1, 15-12-130.1, 15-12-160.1, 15-12-169.1, and 16-9-62.

Parts I and II of the Act are effective July 1, 2011, and Part II of the Act applies to offenses occurring on or after July 1, 2011; and Part III of the Act is effective on May 3, 2011.

Act 7; HB 41

This Act exempts the Department of Law from the fee charged for the preparation of the record in capital felony cases and reduces superior court clerk fees charged for preparation of the appellate record and transcript and the furnishing of the record of appeals in criminal cases for a conviction of a capital felony. The Act also exempts the issuance of certificates of appointment of notaries public from the judicial operations fund fee.

The Act amends O.C.G.A. Sections 5-6-43, 15-6-77, and 15-21A-6.1.

TITLE 15 (continued)

Effective March 16, 2011, and the superior court fees decrease applies retroactively to all cases for which fees have not been assessed.

Act 172; SB 47

This Act changes provisions relating to training for magistrates and senior magistrates and provisions relating to the composition and responsibilities of the Georgia Magistrate Courts Training Council.

The Act amends O.C.G.A. Sections 15-10-132, 15-10-136, 15-10-137, and 15-10-223.
Effective July 1, 2011.

Act 69; HB 373

This Act allows a juvenile court judge to modify an order for restrictive custody for designated felony acts under certain circumstances.

The Act amends O.C.G.A. Section 15-11-63.
Effective July 1, 2011.

TITLE 16 CRIMES AND OFFENSES

Act 54; HB 200

This Act changes the law so as to discourage trafficking of persons for labor or sexual servitude and provides greater protections to persons subjected to such crimes. The Act increases certain penalties, provides for an affirmative defense to certain sexual crimes, allows for compensation from the Georgia Crime Victims Compensation Board, changes provisions in the Crime Victims' Bill of Rights, gives the Georgia Bureau of Investigation the duty to investigate crimes involving labor or sexual servitude, and provides for training for law enforcement for such crimes.

The Act amends O.C.G.A. Sections 16-5-46, 16-6-13, 17-15-2, 17-15-7, 17-15-8, 17-17-6, 35-1-16, and 35-3-4 and enacts O.C.G.A. Sections 16-3-6, 35-1-16, and 35-3-4.3.
Effective July 1, 2011.

Act 115; SB 94

This Act, the "Runaway Youth Safety Act," changes the elements of the crimes of interfering with custody and contributing to the delinquency, unruliness, or deprivation of a minor by excluding certain acts when a service provider is keeping a child for a brief period of time, under certain circumstances. The Act also provides for registration of organizations that provide services to runaway and homeless youth.

The Act amends O.C.G.A. Sections 16-5-45 and 16-12-1 and enacts Article 7 of O.C.G.A. Chapter 49-5.

Effective July 1, 2011.

Act 252; HB 87

This Act enacts the "Illegal Immigration Reform and Enforcement Act of 2011" and provides penalties for the failure of public employers to utilize the federal work authorization program. The Act also provides for criminal offenses involving illegal aliens, investigations into illegal alien status, and authority for law enforcement officers to enforce federal immigration laws.

The Act amends O.C.G.A. Sections 13-10-90, 13-10-91, 16-9-126, 16-9-128, 35-2-14, 36-60-6, 42-4-14, 42-5-51, 45-10-28, and 50-36-1 and enacts O.C.G.A. Sections 16-9-121.1, 16-11-200 through 16-11-203, 17-5-100, 35-1-16, 35-6A-10, 50-36-2, and 50-36-3.

Effective July 1, 2011, except for Section 17 of the Act which becomes effective on January 1, 2012.

TITLE 16 (continued)

Act 120; HB 123

This Act defines the term "firearm" to include stun guns and tasers relative to the crime of removing a weapon from a public official.

The Act amends O.C.G.A. Section 16-10-33.

Effective July 1, 2011, and applicable to all offenses committed on or after such date.

Act 124; HB 266

This Act allows constables to carry weapons under certain circumstances.

The Act amends O.C.G.A. Section 16-11-130.

Effective July 1, 2011.

Veto No. 1; SB 19

This Act changes the definition of the term "lottery" in O.C.G.A. Title 16 and revises definitions and other provisions in O.C.G.A. Title 48 relative to coin operated amusement machines and revenue and taxation connected thereto. The Act allows for fees and retention of certain fees and provides for an exception from a limitation on the allowable number of coin operated amusement machines at the same location.

The Act amends O.C.G.A. Sections 16-12-20, 16-12-35, 48-17-1, 48-17-2, 48-17-9, and 48-17-15.

Act 229; SB 36

This Act provides for the establishment of a program to monitor the prescribing and dispensing of Schedule II, III, IV, and V controlled substances and for the establishment of an Electronic Database Review Advisory Committee. The Act redefines security paper, provides for approval of such paper by the State Board of Pharmacy, and requires hard copy prescriptions on security paper for Schedule II controlled substances.

The Act amends O.C.G.A. Sections 16-13-21, 26-4-5, and 26-4-80 and enacts Part 2 of Article 2 of O.C.G.A. Chapter 16-13 and O.C.G.A. Section 26-4-80.1.

Effective July 1, 2011.

Act 228; SB 93

This Act makes changes to the list of Schedule I, Schedule III, Schedule IV, and Schedule V controlled substances and dangerous drugs.

The Act amends O.C.G.A. Sections 16-13-25, 16-13-27, 16-13-28, 16-13-29, and 16-13-71.

Effective May 13, 2011.

**TITLE 17
CRIMINAL PROCEDURE**

Act 53; HB 503

This Act provides for payment by the Georgia Crime Victims Emergency Fund not to exceed \$1,000.00 for forensic medical examinations involved in certain sexual offenses.

The Act amends O.C.G.A. Sections 16-6-1, 16-6-2, 17-5-52, 17-15-2, and 17-18-2 and enacts O.C.G.A. Section 17-15-15.

Effective July 1, 2011.

Act 91; HB 421

This Act changes and reorganizes provisions relating to a special plea of mental incompetency to stand trial. The Act clarifies procedure, provides for maximum commitment to the Department of Behavioral Health and Developmental Disabilities, allows the court to request a competency

TITLE 17 (continued)

evaluation, provides for bench trials for special pleas, and provides for the effect of a special plea on a demand for speedy trial.

The Act amends O.C.G.A. Sections 17-7-130, 17-7-170, and 17-7-171 and enacts O.C.G.A. Section 17-7-129.

Effective July 1, 2011.

Act 51; HB 238

This Act reconstitutes the membership of the Georgia Public Defender Standards Council and changes and clarifies the duties and responsibilities of the council and the director. The Act reduces the membership of each circuit public defender supervisory panel and requires each panel to nominate persons to become their circuit public defender, who is ultimately appointed by the director.

The Act amends O.C.G.A. Sections 17-12-3, 17-12-4, 17-12-5, 17-12-7, 17-12-8, 17-12-9, 17-12-10, 17-12-10.1, 17-12-20, 17-12-22, 17-12-23, 17-12-30, 17-12-36, and 17-12-80 and repeals O.C.G.A. Section 17-12-13.

Effective July 1, 2011.

**TITLE 19
DOMESTIC RELATIONS**

Act 178; SB 115

This Act excludes foster care payments from the calculation of gross income for a determination of child support obligations.

The Act amends O.C.G.A. Section 19-6-15.

Effective July 1, 2011.

Act 189; SB 172

This Act requires a home study report by a licensed evaluator. Prior to any adoption, the evaluator must recommend the home for placement. The Act authorizes the release of health history information for assisting the provision of medical care for an adopted person.

The Act amends O.C.G.A. Sections 19-8-1, 19-8-5, 19-8-13, 19-8-14, 19-8-23, and 19-8-26.

Effective July 1, 2011.

Act 68; SB 112

This Act provides for child custody protections for persons deployed with the military.

The Act amends O.C.G.A. Sections 19-9-1, 19-9-3, and 19-9-6.

Effective May 11, 2011.

**TITLE 20
EDUCATION**

Act 190; SB 185

This Act provides for the power and procedures for an emergency closure of an early care and education program upon the death of a minor or when a child's safety or welfare is in imminent danger.

The Act amends O.C.G.A. Section 20-1A-13.

Effective July 1, 2011.

TITLE 20 (continued)

Act 9; SB 79

This Act provides that members of local boards of education serve no less than four-year terms and that local boards of education in counties with a homestead option sales and use tax and counties with a county sales and use tax for educational purposes consist of seven district members unless provided for otherwise by local legislation. The Act allows for the Governor to suspend current members of local boards of education of school systems that lose accreditation and appoint temporary replacements.

The Act amends O.C.G.A. Sections 20-2-52 and 20-2-73 and enacts O.C.G.A. Section 20-2-52.1.
Effective April 20, 2011.

Act 3; HB 326

This Act provides for comprehensive revisions to the HOPE scholarship and grant program, including applicable interest rates, shortfall reserve requirements, and qualification, eligibility, maintenance, and requalification requirements. The Act provides for examinations of postsecondary institutions to be held at least every three years by the Georgia Student Finance Commission regarding an institution's proper issuances of scholarships, loans, or grants. The Act creates a loan cancellation program for graduates who teach in certain subjects in Georgia public schools. The Act limits the amount of incentive payments that may be awarded to personnel of the Georgia Lottery Corporation and increases the incentive compensation commission rate to be paid to lottery retailers.

The Act amends O.C.G.A. Sections 20-2-73, 20-2-157, 20-3-250.5, 20-3-395.3, 20-3-400.2, 20-3-411, 20-3-519, 20-3-519.1, 20-3-519.2, 20-3-519.5, 20-3-519.6, 20-3-519.10, 20-3-519.11, 50-27-13, and 50-27-17 and repeals O.C.G.A. Sections 20-3-519.3, 20-3-519.7, 20-3-519.8, 20-3-519.9, 20-3-519.12, and 20-3-519.13.

Effective March 15, 2011.

Act 226; HB 186

This Act provides for coordination between the State Board of Education, the Board of Regents of the University System of Georgia, and the Board of Technical and Adult Education in establishing curriculum and standards for college readiness, career, technical, and agricultural courses; end of course assessments; course credit for proficiency; and dual-credit courses. The Act requires the Department of Education to develop state models and curriculum frameworks for specifically listed programs of study and authorizes the department to establish soft skills certification in collaboration with the Governor's Office of Workforce Development.

The Act amends O.C.G.A. Sections 20-2-82, 20-2-140, 20-2-157, 20-2-160, 20-2-244, 20-2-2065, and 34-14-3; enacts O.C.G.A. Sections 20-2-159.1 through 20-2-159.5; and repeals O.C.G.A. Section 20-2-161.1

Effective May 13, 2011.

Act 126; HB 285

This Act requires the Professional Standards Commission to revise educator certification renewal requirements by July 1, 2015, and to develop an online course on educator ethics in cooperation with the Department of Education. The Act provides for authority and responsibility of local units of authority to order and receive criminal record checks of educators and to forward potential ethics violations to the Professional Standards Commission.

The Act amends O.C.G.A. Sections 20-2-200, 20-2-211.1, 20-2-982.1, and 20-2-984.5 and enacts O.C.G.A. Section 20-2-207.

Effective July 1, 2011.

Act 227; HB 192

This Act creates the State Education Finance Study Commission to evaluate the Quality Basic Education Formula, other education funding methods in Georgia, student transportation, capital outlay, charter schools, teacher pay, grant programs, and career, technical, and agricultural education, dual enrollment, and virtual schools. The Act extends the date by which school systems must notify the department of their intention to request flexibility contracts. The Act temporarily

TITLE 20 (continued)

extends certain expenditure control waivers, flexibility in the maximum class size for kindergarten through grade eight classrooms, and deadlines for annual teacher contracts. The Act revises certain provisions relating to the organization of schools, middle school programs, and scheduling.

The Act enacts O.C.G.A. Sections 20-2-330, 20-2-331, 20-2-332, 20-2-333, 20-2-333.1, 20-2-333.2, and 20-2-333.3 and amends O.C.G.A. Sections 20-2-84.3, 20-2-167, 20-2-182, 20-2-184.1, 20-2-211, and 20-2-290.

Effective May 13, 2011.

Act 65; HB 314

This Act provides that an elementary or secondary education student in foster care who attends court proceedings relating to his or her foster care shall not be deemed absent from school for the day or portion of the day of school missed due to attendance of court proceedings.

The Act enacts O.C.G.A. Section 20-2-692.2.

Effective July 1, 2011.

Act 88; HB 227

This Act allows for a school to receive and store prescription auto-injectable epinephrine on behalf of a student when accompanied by a detailed physician's statement regarding administration and a parent or guardian's written release of civil liability. The Act provides for local school boards to adopt policies authorizing school personnel to administer auto-injectable epinephrine to students in anaphylactic shock.

The Act amends O.C.G.A. Section 20-2-776 and enacts O.C.G.A. Section 20-2-776.1.

Effective July 1, 2011.

Act 170; HB 325

This Act provides for revisions to the requirements, penalties, and the qualified education income tax credit for student scholarship organizations.

The Act amends O.C.G.A. Sections 20-2A-1 through 20-2A-6 and 48-7-29.16 and enacts O.C.G.A. Section 20-2A-7.

Effective July 1, 2011.

Act 212; SB 190

This Act transfers the operation of the Georgia Capitol Museum from the control and supervision of the Secretary of State to the Board of Regents of the University System of Georgia. The Act removes the Georgia Capitol Museum division from the office of the Secretary of State. The Act increases the number of members of the Capitol Arts Standards Commission from 15 to 16 to include the Secretary of State or his or her designee as a member.

The Act enacts O.C.G.A. Section 20-3-40, amends O.C.G.A. Section 45-13-70, and repeals O.C.G.A. Sections 45-13-60, 45-13-61, and 45-13-62.

Effective July 1, 2011.

Act 113; HB 509

This Act abolishes the State Medical Education Board and places its former duties, responsibilities, and rights with the Georgia Board for Physician Workforce. The Act provides for specific composition for the Georgia Board for Physician Workforce and grants the board the power to award cancelable loans and scholarships.

The Act amends O.C.G.A. Sections 20-3-510 through 20-3-517, 31-34-2, 31-34-3, 31-34-5, 45-7-21, 48-7-161, 49-10-1, 49-10-2, and 49-10-3.

Effective July 1, 2011.

TITLE 20 (continued)

Act 80; HB 60

This Act creates a State Veterinary Education Board which is authorized to grant educational loan purchases for state doctors of veterinary medicine whose practice includes food animal specialties when the appropriations for such loans are made available to the board.

The Act enacts O.C.G.A. Sections 20-3-518.1 through 20-3-518.7 and amends O.C.G.A. Section 20-3-374.

Effective July 1, 2011.

Act 225; HB 49

This Act changes the name of the State Board of Technical and Adult Education to the State Board of the Technical College System of Georgia. The Act replaces "State Board of Technical and Adult Education," "Board of Technical and Adult Education," and "board of technical and adult education" with State Board of the Technical College System of Georgia throughout the Code.

The Act amends O.C.G.A. Sections 20-4-10 and 20-16-2 and other sections throughout the Code.

Effective July 1, 2011.

Act 102; SB 161

This Act establishes the Office of College and Career Transitions within the Technical College System of Georgia that coordinates the efforts of the State Board of Education, the University System of Georgia, the Technical College System of Georgia, and other accredited postsecondary schools in Georgia. The Act revises definitions and provisions of the "Building Resourceful Individuals to Develop Georgia's Economy Act."

The Act enacts O.C.G.A. Section 20-4-37 and amends O.C.G.A. Sections 20-2-326, 20-2-328, and 20-2-329.

Effective May 11, 2011.

Veto No. 5; SB 140

This Act increases the amount of outstanding revenue bonds that may be issued by the Georgia Higher Education Facilities Authority to \$400 million and requires certification that a project or projects are self-liquidating prior to issuance of revenue bonds. The Act removes the \$200 million cumulative bond issuance limit from the Geo. L. Smith II Georgia World Congress Center Authority and adds a requirement that said revenue bonds be issued only for self-liquidating projects.

The Act amends O.C.G.A. Sections 10-9-40 and 20-16-5.

TITLE 21 ELECTIONS

Act 240; SB 82

This Act makes numerous technical changes throughout O.C.G.A. Chapter 21-2.

Effective July 1, 2011.

Act 239; HB 158

This Act changes the date of nonpartisan elections and changes qualifying dates for such elections.

The Act amends O.C.G.A. Sections 21-2-132, 21-2-133, 21-2-138, 21-2-139, 21-2-285.1, and 21-2-325.

Effective July 1, 2011.

Act 171; HB 302

This Act provides that for general primaries held in the even-numbered year immediately following the official release of the United States decennial census data, the general primary shall be conducted on the last Tuesday in July. The Act provides that in such case, the candidates for

TITLE 21 (continued)

political party nomination to county offices shall commence qualifying on the Wednesday immediately following the third Monday in May immediately prior to such primary and shall cease qualifying on the Friday immediately following the Wednesday immediately following the third Monday in May. The Act provides that candidates for political party nomination to federal and state offices in a general primary shall commence qualifying on the Wednesday immediately following the third Monday in May immediately prior to such primary and shall cease qualifying on the Friday immediately following the Wednesday immediately following the third Monday in May.

The Act amends O.C.G.A. Sections 21-2-150 and 21-2-153.

Effective July 1, 2011.

Act 224; HB 454

This Act provides that the date of the presidential preference primary shall be not later than the second Tuesday in June.

The Act amends O.C.G.A. Sections 21-2-191 and 21-2-193.

Effective July 1, 2011.

Act 193; HB 143

This Act revises, modernizes, and corrects errors or omissions in O.C.G.A. Title 21 in furtherance of the work of the Code Revision Commission.

The Act amends O.C.G.A. Sections 21-2-225, 21-2-386, 21-5-6, and 21-5-34.

Effective May 12, 2011.

Act 241; HB 92

This Act provides that there shall be a period of advance voting that shall commence on the fourth Monday immediately prior to each primary or election and as soon as possible prior to a runoff and shall end on the Friday immediately prior to each primary, election, or runoff.

The Act amends O.C.G.A. Sections 21-2-381, 21-2-384, 21-2-385, and 21-2-385.1.

Effective July 1, 2011.

Act 4; HB 232

This Act authorizes the waiver of certain penalties and fees imposed for violations of the "Ethics in Government Act." The Act provides for the method by which the Georgia Government Transparency and Campaign Finance Commission shall deliver certain notices to certain officials. The Act provides an exception to the requirement that filers provide e-mail addresses and provides that certain campaign finance disclosure statements and financial disclosure statements may be filed by certified mail or statutory overnight delivery. The Act provides that certain persons who engage only incidentally in certain activities shall not be regulated as lobbyists. The Act provides that persons who are employed as salespersons shall not be subject to regulation as vendor lobbyists. The Act provides for a grace period for the filing of lobbyist disclosure reports. The Act provides that it is the intent of the General Assembly that the Act shall be retroactive to January 10, 2011.

The Act amends O.C.G.A. Sections 21-5-6, 21-5-14, 21-5-34, 21-5-34.1, 21-5-50, 21-5-70, 21-5-71, and 21-5-73 and enacts O.C.G.A. Section 21-5-15.

Effective March 15, 2011.

Act 188; SB 160

This Act authorizes public utility corporations that are regulated by the Public Service Commission to make political campaign contributions. The Act provides that electric membership corporations and nonprofit corporations, groups, or associations, the membership of which consists of electric membership corporations, may make contributions to a political campaign and may establish, administer, and solicit contributions for a political action committee from officers, directors, employees, agents, contractors, and members of such entities.

The Act amends O.C.G.A. Sections 21-5-30, 21-5-30.1, 21-5-70, and 21-5-73.

Effective May 12, 2011.

TITLE 21 (continued)

Veto No. 6; SB 163

This Act provides certain requirements for the identification of the source of campaign communications paid for and authorized by a candidate, authorized by a candidate but paid for by another party, or not authorized by a candidate. The Act prohibits the unauthorized use of any person or organization for purposes of an endorsement, advertising, or literature.

The Act amends O.C.G.A. Section 21-5-31.

**TITLE 24
EVIDENCE**

Act 52; HB 24

This Act substantially revises, supersedes, and modernizes the Evidence Code. The Act is loosely based on the Federal Rules of Evidence. The Act amends the Official Code of Georgia Annotated so as to conform provisions to the new O.C.G.A. Title 24 and corrects cross-references.

The Act repeals O.C.G.A. Title 24 and enacts a new O.C.G.A. Title 24.

Effective January 1, 2013, and applies to any motion made or hearing or trial commenced on or after that date.

**TITLE 26
FOOD, DRUGS, AND COSMETICS**

Act 75; HB 457

This Act adopts and incorporates all drug-free commercial zones adopted by local ordinance and entered in the register of the Department of Community Affairs through March 28, 2011. The Act authorizes the use of remote automated medication systems and authorizes pharmacists to dispense prescriptions through a remote automated medication system.

The Act amends O.C.G.A. Sections 16-13-32.6, 16-13-41, 16-13-75, 26-2-370, 26-4-5, 26-4-28, 26-4-80, and 26-4-89.

Effective May 11, 2011.

Act 175; SB 81

This Act provides for mental and physical examinations of licensees or applicants for the practice of pharmacy as may be reasonably required by the State Board of Pharmacy.

The Act amends 26-4-28 and 26-4-60.

Effective July 1, 2011.

**TITLE 27
GAME AND FISH**

Act 114; HB 485

This Act prohibits the release of any trapped or transported feral hog into any area that is not fenced to prevent the escape of such feral hog onto the land of another person. The Act provides that any person who violates this prohibition is guilty of a misdemeanor of a high and aggravated nature and shall be punished as provided by O.C.G.A. Section 17-10-4. The Act further provides that if a fine is imposed, such fine shall not be less than \$1,500.00. The Act mandates that any license or permit issued to a person under O.C.G.A. Title 27 shall be revoked by operation of law upon conviction for the illegal release of a feral hog and shall not be reissued for a period of three years after the date of conviction.

The Act amends O.C.G.A. Section 27-2-31.

Effective July 1, 2011.

TITLE 27 (continued)

Act 61; HB 277

This Act allows the hunting of deer and feral hogs over bait under certain circumstances. The Act also allows for the use of feeds or bait to lure, attract, or entice deer on certain lands so long as such lure, attraction, or enticement shall not cause hunting on any adjoining property to be prohibited.

The Act permits hunting of deer in the northern zone on land not owned or controlled or managed by the state or federal government, if the hunter is at least 200 yards away from and not within the sight of such feed or bait. The Act permits hunting of deer in the southern zone on land not owned or controlled or managed by the state or federal government, if the hunter has written permission of the landowner to hunt over, around, or near such feed or bait.

The Act provides that the Board of Natural Resources may by rule or regulation restrict the feeding, baiting, or hunting of deer or feral hogs upon, over, around, or near such feed or bait in any county wherein there is documented occurrence of a communicable disease in deer and in any county adjoining such county.

The Act also provides that any person who takes any big game animal, other than deer, within 200 yards of any place where any corn, wheat, or other grains, salts, apples, or other feed or bait has been placed, exposed, deposited, distributed, or scattered so as to constitute a lure, attraction, or enticement for any game bird or game animal, shall, upon conviction thereof, be guilty of a misdemeanor of a high and aggravated nature and shall be punished as provided by O.C.G.A. Section 17-10-4. The Act makes it unlawful for any person to place, expose, deposit, distribute, or scatter any corn, wheat, or other grains, salts, apples, or other feed or bait so as to constitute a lure, attraction, or enticement for feral hogs within 50 yards of any property ownership boundary.

The Act amends O.C.G.A. Sections 27-3-9 and 27-3-24.

Effective July 1, 2011.

TITLE 28 GENERAL ASSEMBLY

Act 45; HB 265

This Act creates the 2011 Special Council on Criminal Justice Reform for Georgians in order to conduct a study of the state's current criminal justice structure and report its findings and recommendations for legislation to the Governor, Lieutenant Governor, Speaker of the House of Representatives, and Chief Justice of the Supreme Court no later than November 1, 2011. The Act also creates the Special Joint Committee on Georgia Criminal Justice Reform, to consist of 18 legislative members. The Act provides that the chairperson of the joint committee who is a member of the House of Representatives may cause to be introduced in the House of Representatives one or more bills or resolutions incorporating the recommendations of the council and that such legislation shall be referred by the Speaker of the House of Representatives only to the joint committee.

The Act enacts O.C.G.A. Chapter 28-13.

Effective April 22, 2011.

TITLE 30 HANDICAPPED PERSONS

Veto No. 7; HB 226

This Act provides for comprehensive regulation of individual development accounts. The Act provides procedures, conditions, and limitations with respect to the creation and operation of individual development accounts and provides for powers, duties, and authority of the Georgia Council on Developmental Disabilities.

The Act amends O.C.G.A. Section 49-4-183 and enacts O.C.G.A. Sections 30-8-20 through 30-8-27.

**TITLE 31
HEALTH**

Act 244; HB 214

This Act enacts the "Hemophilia Advisory Board Act." The Act directs the commissioner of community health to establish the Hemophilia Advisory Board to review and make recommendations concerning issues relating to persons living with hemophilia. The Act creates the Department of Public Health and reassigns to such newly created agency the duties of the Division of Public Health of the Department of Community Health. The Act creates the Board of Public Health and a commissioner of public health to establish the policy to be followed by the Department of Public Health.

The Act amends various sections throughout the Official Code of Georgia Annotated to conform to such transition of duties and enacts O.C.G.A. Section 31-1-12 and O.C.G.A. Chapter 31-2A.

Effective July 1, 2011.

Act 243; HB 249

This Act provides that hospitals shall provide parents of newborns educational information on pertussis disease and the availability of a vaccine to protect against such disease.

The Act enacts O.C.G.A. Section 31-1-12.

Effective July 1, 2011.

Act 56; SB 178

This Act provides for the regulation and licensing of assisted living communities. The Act provides for procedures and criteria and for requirements for medication aides. The Act provides for the promulgation of rules and regulations by the Department of Community Health. The Act revises various provisions of the O.C.G.A. so as to provide changes for purposes of consistency and conformity.

The Act amends various sections throughout the Official Code of Georgia Annotated and enacts O.C.G.A. Section 31-7-12.2.

Effective July 1, 2011.

Act 174; SB 76

This Act authorizes the Department of Community Health to require fingerprinting and criminal background investigations of applicants for licensure of emergency medical services personnel required by Article 2 of O.C.G.A. Chapter 31-11. The Act provides that the Georgia Trauma Care Network Commission shall distribute available funds to trauma patients transported to out-of-state hospitals as approved by the commission.

The Act amends O.C.G.A. Sections 31-11-51 and 31-11-102 and enacts O.C.G.A. Section 31-11-49.

Effective July 1, 2011.

Act 58; HB 307

This Act provides that burn centers and burn patients shall be part of the Georgia Trauma Care Network.

The Act amends O.C.G.A. Section 31-11-100.

Effective July 1, 2011.

Act 10; HB 461

This Act adopts the Health Care Compact with all other jurisdictions which legally join the compact.

The Act enacts O.C.G.A. Chapter 31-48.

Effective July 1, 2011.

TITLE 31 (continued)

Act 92; HB 275

This Act clarifies that any written order issued by the attending physician using the term "do not resuscitate," "DNR," "order not to resuscitate," "no code," or substantially similar language in the patient's chart shall constitute a legally sufficient order and shall authorize a nurse, physician assistant, or caregiver to withhold or withdraw cardiopulmonary resuscitation.

The Act amends O.C.G.A. Sections 31-39-2, 31-39-4, 31-39-6, 31-39-6.1, and 31-39-7.
Effective July 1, 2011.

Act 214; SB 211

This Act provides that the Department of Natural Resources shall make available current federal regulations affecting persons licensed or certified under the "Georgia Lead Poisoning Prevention Act of 1994." The Act authorizes certain application fees, license fees, and renewal fees. The Act authorizes the department to issue corrective orders when any regulation is violated.

The Act enacts O.C.G.A. Section 31-41-6.
Effective May 12, 2011.

TITLE 32 HIGHWAYS, BRIDGES, AND FERRIES

Act 192; HB 137

This Act amends provisions of the Official Code of Georgia Annotated relating to the Department of Transportation. The Act clarifies the duties of the treasurer, clarifies procedures for removing asbestos pipe for utility facilities, limits the liability of law enforcement officers and the department during periods of emergencies, and changes certain procedures regarding accident reports.

The Act amends O.C.G.A. Sections 32-1-3, 32-2-42, 32-2-43, 32-4-2, 32-4-4, 32-4-41, 32-4-91, 33-24-53, 36-36-3, 36-72-14, 40-9-30, and 40-9-31 and enacts O.C.G.A. Section 32-6-4.
Effective July 1, 2011.

Act 177; SB 54

This Act changes the requirements for permits for extra weight and dimensions for loads on vehicles and allows for multitrip permits.

The Act amends O.C.G.A. Sections 32-6-26, 32-6-27, and 32-6-28.
Effective July 1, 2011.

Act 197; HB 179

This Act modifies the procedures whereby owners of legally erected and maintained signs obtain and renew permits for the installation of signs. The Act changes certain conditions relating to permits to remove vegetation from the viewing zones of outdoor signs.

The Act amends O.C.G.A. Sections 32-6-74 and 32-6-75.3.
Effective July 1, 2011.

TITLE 33 INSURANCE

Act 78; SB 17

This Act establishes the Special Advisory Commission on Mandated Health Insurance Benefits to develop and maintain a system and program of data collection to assess the impact of existing and proposed mandated benefits including cost to employers and insurers, impact of treatment, cost savings in the health system, number of providers, and other data determined to be appropriate.

The Act enacts O.C.G.A. Section 33-1-19.
Effective July 1, 2011.

TITLE 33 (continued)

Act 86; HB 248

This Act provides that a health care sharing ministry which enters into a health care cost-sharing arrangement with its participants shall not be considered an insurance company, health maintenance organization, or health benefit plan of any class and shall not be subject to any laws related to such. The Act also provides that certain prepaid air ambulance service subscription agreements do not constitute a contract of insurance.

The Act enacts O.C.G.A. Sections 33-1-19 and 33-1-20.
Effective July 1, 2011.

Act 218; SB 252

This Act defines the term "reinsurer" and provides that the Commissioner shall determine if an insurer meets the definition of a reinsurer.

The Act amends O.C.G.A. Section 33-3-15.
Effective July 1, 2011.

Act 112; HB 413

This Act extensively revises surplus line insurance. The Act changes conditions of authorization of procurement of surplus line insurance and changes broker requirements for placement of insurance. The Act changes provisions related to payment of tax by a broker for the privilege of doing business and penalty for failure to file or remit the tax as prescribed. The Act changes provisions concerning procuring insurance with unauthorized insurers and applicability of the Act. The Act addresses the federal Dodd-Frank Wall Street Reform and Consumer Protection Act by authorizing the Governor to enter into a cooperative agreement, compact, or reciprocal agreement with another state or states for certain purposes. The Act also provides that the Commissioner shall not exempt himself or herself from any written examination required under the examination of applicants provisions. The Act provides for penalties wherein public officials or employees are in violation of conflicts of interest standards. The Act provides that a public official is not authorized to waive any legal, educational, or testing requirements or licensing requirements for himself or herself. The Act changes certain provisions relating to risk-based capital levels.

The Act amends O.C.G.A. Sections 33-5-21, 33-5-25, 33-5-31, 33-5-32, 33-5-33, 33-5-35, 33-23-10, 33-56-1, 33-56-3, and 45-10-28; designates O.C.G.A. Sections 33-5-20 through 33-5-35 as Part 1 of Article 2 of O.C.G.A. Chapter 33-5 and Part 2 of Article 2 of O.C.G.A. Chapter 33-5; and enacts O.C.G.A. Sections 33-5-20.1 and 45-10-29.

Effective July 1, 2011.

Act 220; SB 251

This Act provides for a transition from an annual renewal to a biennial renewal of licenses of agents, agencies, subagents, counselors, and adjusters, provides for adjustment of licensing fees, and provides for promulgation of rules and regulations by the Commissioner.

The Act amends O.C.G.A. Sections 33-8-1, 33-23-3, 33-23-18, and 33-23-37.
Effective May 12, 2011.

Act 111; HB 341

This Act provides for the establishment of limited purpose subsidiary life insurance companies. The Act also provides for definitions, requirements, investment of funds, organization, reinsurance, and applicability.

The Act enacts Article 5 of O.C.G.A. Chapter 33-14.
Effective July 1, 2011.

Act 196; HB 167

This Act makes changes in the definitions of "group accident and sickness insurance" and "true associations" by reducing the number of employees or members of the union or of such associations required to be insured. The Act changes certain provisions under policies issued to a legal entity

TITLE 33 (continued)

providing a multiple employer welfare arrangement and its application. The Act changes the definition of "administrator" under the licensing provisions of O.C.G.A. Title 33 and O.C.G.A. Title 34 and provides that administrators are subject to the timely payment of health benefits provisions. The Act adds definitions and requirements for the payment of certain claims and penalties.

This Act amends O.C.G.A. Sections 33-23-100, 33-24-59.5, and 33-30-1 and enacts O.C.G.A. Section 33-24-59.14.

Provisions changing the definition of administrator, amending and subjecting administrators to timely payment of health benefits, and requirements for payment of certain claims and penalties are effective January 1, 2013. All other provisions are effective July 1, 2011.

Act 106; HB 66

This Act provides for certificate of insurance forms to be approved by the Commissioner. The Act also provides for definitions and for certain mandatory provisions of the certificate.

The Act enacts O.C.G.A. Section 33-24-19.1.

Effective July 1, 2011.

Act 198; HB 189

This Act provides that no contract or agreement between a dental insurer or network and a dentist shall require the dentist to accept an amount for dental care services that are not covered under a dental health plan. The Act further provides that no dental insurer shall publish or otherwise communicate that discounts are available for noncovered dental services.

The Act enacts O.C.G.A. Section 33-24-59.14.

Effective July 1, 2011.

Act 249; HB 47

This Act authorizes insurers to offer individual accident and sickness insurance policies in Georgia that have been approved for issuance in other states. The Act sets minimum standards for such policies and requires certain notices on written applications and policies sold pursuant to this Act. The Act further provides that the Commissioner shall adopt rules and regulations necessary to implement this Act.

The Act enacts Article 3 of O.C.G.A. Chapter 33-29A.

Effective July 1, 2011.

Act 77; SB 166

This Act extensively revises the requirements for continuing care providers and facilities by revising definitions, providing for enforcement powers of the Commissioner, revising annual disclosure statement requirements, and changing certain provisions relating to the continuing care agreements. The Act provides for specific financial requirements.

This Act amends O.C.G.A. Chapter 33-45.

Effective July 1, 2011.

TITLE 34 LABOR AND INDUSTRIAL RELATIONS

Act 95; HB 292

This Act extends the effective dates for certain contribution requirements and credits for employers who pay unemployment security premiums.

The Act amends O.C.G.A. Sections 34-8-151, 34-8-155, 34-8-156, 34-8-180, 34-8-181, and 34-8-185.

Effective May 11, 2011.

TITLE 34 (continued)

Act 93; HB 500

This Act changes certain provisions relating to eligibility requirements for extended unemployment benefits so as to provide a state "on" indicator for triggering an extended benefit period consistent with federal law requirements.

The Act amends O.C.G.A. Sections 34-8-197, 34-14-1, and 34-14-5.
Effective July 1, 2011.

**TITLE 35
LAW ENFORCEMENT OFFICERS AND AGENCIES**

Act 100; HB 414

This Act transfers persons employed by the Department of Public Safety who are assigned to the Georgia Aviation Authority back to the Department of Public Safety and returns administrative control over public safety aviation assets back to the department.

The Act enacts O.C.G.A. Section 35-2-140 and amends O.C.G.A. Sections 6-5-3, 6-5-4, and 6-5-10.

Effective May 11, 2011.

Act 67; SB 80

This Act provides for the collection of DNA from all persons convicted of a felony and incarcerated, sentenced to probation, or placed on parole.

The Act redesignates Article 4 of O.C.G.A. Chapter 24-4 as Article 6A of O.C.G.A. Chapter 35-3 and amends O.C.G.A. Sections 5-5-41, 17-5-56, and 35-6-160 through 35-6-165.

Effective May 11, 2011; provided, however, Part III of the Act becomes effective January 1, 2013.

Act 123; HB 203

This Act requires the Georgia Peace Officer Standards and Training Council to notify law enforcement employers when an investigation into the conduct of a peace officer is initiated. The Act also requires notice to the employer, district attorney, and solicitor if a peace officer's certification is suspended or revoked.

The Act amends O.C.G.A. Section 35-8-7.1.
Effective July 1, 2011.

Act 176; SB 95

This Act authorizes law enforcement agencies to investigate the employment history of an applicant applying for an appointment or certification as a peace officer.

The Act amends O.C.G.A. Section 35-8-8.
Effective May 12, 2011.

**TITLE 36
LOCAL GOVERNMENT**

Act 98; SB 30

This Act requires municipal court judges to be licensed to practice law in Georgia and to be active members in good standing of the State Bar of Georgia. The Act provides that any judge serving on June 30, 2011, who does not meet these qualifications may continue to serve as a municipal court judge so long as such judge is in compliance with O.C.G.A. Section 36-32-27, which provides certain training requirements.

The Act enacts O.C.G.A. Section 36-32-1.1.
Effective July 1, 2011.

TITLE 36 (continued)

Act 49; SB 122

This Act authorizes local governments and local water authorities to enter into contracts with private persons, firms, associations, or corporations to plan, finance, construct, acquire, operate, and maintain certain reservoirs, facilities, and systems. The Act provides for participation by the Water Supply Division of the Georgia Environmental Finance Authority in certain local water reservoirs, facilities, and systems projects.

The Act enacts O.C.G.A. Sections 36-91-100 through 36-91-102 and 50-23-28.2.
Effective May 2, 2011.

TITLE 37 MENTAL HEALTH

Act 85; HB 343

This Act authorizes the Department of Behavioral Health and Developmental Disabilities to license crisis stabilization units to provide psychiatric stabilization and detoxification services in a community based setting. The Act provides that crisis stabilization units shall be short-term residential programs that offer brief, intensive crisis services 24 hours a day, seven days a week. The Act also provides that licensed crisis stabilization units are exempt from the requirements to obtain a certificate of need. The Act further provides that the department shall promulgate rules and regulations in accordance with the General Assembly's intent to provide a public benefit and compliance with all safety net obligations of O.C.G.A. Title 37 and that patients without private health care coverage receive priority consideration for crisis stabilization unit placement.

The Act extends immunity from civil or criminal liability for physicians and other specified persons who act in good faith in compliance with Georgia law related to the admission and discharge of a patient treated for mental illness. The Act also extends to hospitals immunity for obtaining consent or relying upon a consent under certain circumstances. The Act expressly provides that such immunity afforded to hospitals, physicians, and other specified persons shall not provide relief from liability for failing to meet the applicable standard of care in the provision of treatment to a patient.

The Act amends O.C.G.A. Sections 37-3-4 and 37-3-163 and enacts O.C.G.A. Section 37-1-29.
Effective July 1, 2011.

Act 84; HB 324

This Act revises certain definitions relating to the habilitation of the developmentally disabled. The Act repeals various obsolete provisions relating to procedures for obtaining services from the Department of Behavioral Health and Developmental Disabilities relative to developmentally disabled persons. The Act provides for hearings by administrative law judges and eliminates hearing examiners.

The Act amends O.C.G.A. Sections 17-7-131, 31-22-9.1, 37-4-2, 37-4-5, 37-4-42, 37-4-82, 37-4-110, and 37-9-6 and repeals and reserves O.C.G.A. Sections 37-4-40, 37-4-41, 37-4-43, 37-4-40.1 through 37-4-40.5 and Part 1 of Article 2 of O.C.G.A. Chapter 37-4.

Effective July 1, 2011.

TITLE 38 MILITARY, EMERGENCY MANAGEMENT, AND VETERANS AFFAIRS

Act 242; HB 339

This Act changes the venue to which a challenge of a quarantine or vaccination program may be brought. The Act also revises the manner of appealing orders concerning such challenges and extends the duration of a judicial emergency order when a public health emergency exists.

The Act amends O.C.G.A. Sections 38-3-51, 38-3-60, and 38-3-61.
Effective July 1, 2011.

TITLE 40
MOTOR VEHICLES AND TRAFFIC

Act 104; HB 101

This Act provides for the safe operation of motor vehicles and bicycles on roadways by regulating the operation of bicycles on roadways and establishing a safe distance between motor vehicles and bicycles when a motor vehicle is passing a bicycle. The Act also changes requirements for mandatory equipment on bicycles.

The Act amends O.C.G.A. Sections 40-1-1 and 40-6-290 through 40-6-299 and enacts O.C.G.A. Sections 40-6-55 and 40-6-56.

Effective July 1, 2011.

Act 59; SB 240

This Act creates a new class of motor vehicles known as personal transportation vehicles and provides for mandatory safety equipment on personal transportation vehicles.

The Act amends O.C.G.A. Section 40-1-1 and enacts O.C.G.A. Section 40-6-363.

Effective January 1, 2012.

Act 119; HB 112

This Act enacts the "Transportation of Hazardous Materials Act" so as to provide procedures for the safe transportation of hazardous materials within the state. The Act also revises the provisions regarding the issuance of temporary license plates, establishes safety seminars for motor carriers, ensures that financial responsibility requirements for motor carriers in this state are compatible with federal motor carrier safety regulations, and changes certain equipment requirements for lighting, warning flags, brake performance, rear view mirrors, window tinting, and tire tread depth on commercial motor vehicles.

The Act amends O.C.G.A. Sections 16-11-111, 17-6-5, 17-6-8, 17-6-11, 40-1-1, 40-2-8, 40-2-140, 40-8-2, 40-8-27, 40-8-53, 40-8-72, 40-8-73.1, 40-8-74, 46-1-1, 46-7-9, 46-7-17, 46-7-39, and 46-7-85.5; enacts O.C.G.A. Sections 40-1-8, 40-1-20 through 40-1-25, and 40-6-10.1; and repeals O.C.G.A. Sections 46-7-26, 46-7-37, and O.C.G.A. Chapter 46-11.

Effective July 1, 2011, except for the provisions regarding temporary license plates, which become effective on November 1, 2011.

Act 125; HB 323

This Act changes the time of perfection of a security interest in a motor vehicle.

The Act amends O.C.G.A. Section 40-3-50.

Effective July 1, 2011.

Act 89; HB 269

This Act changes the value of a vehicle that can be scrapped, provides procedures for notifying the Department of Revenue regarding the cancellation of titles to scrapped vehicles, and adds penalties for falsifying a statement regarding cancellation of a title to a scrap vehicle. The Act also provides that a driver granted a license due to an impairment of his or her parent or guardian must be accompanied while driving, changes certain provisions regarding reinstatement of licenses, provides for issuance of limited driving permits in certain circumstances, updates the types of approved driver improvement courses, and changes certain requirements for issuance of identification cards for persons with disabilities.

The Act amends O.C.G.A. Sections 40-3-36, 40-3-90, 40-5-1, 40-5-22, 40-5-24, 40-5-54, 40-5-58, 40-5-60, 40-5-63, 40-5-64, 40-5-67.1, 40-5-75, 40-5-81, 40-5-83, 40-5-84, 40-5-103, 40-5-142, 40-5-172, 40-16-5, 42-8-111, 43-13-4, and 43-47-10 and enacts O.C.G.A. Section 40-5-148.3.

Effective January 1, 2012, except for Sections .1 and .2, relating to procedures for canceling titles for scrapped vehicles, which shall become effective only upon a specific appropriation for that purpose.

TITLE 40 (continued)

Act 64; SB 57

This Act provides a procedure, utilizing video cameras, to enforce the law prohibiting passing a school bus while it is stopped to unload passengers.

The Act amends O.C.G.A. Section 40-6-163.

Effective July 1, 2011.

Act 62; SB 88

This Act increases the age requirements for use of child restraint systems.

The Act amends O.C.G.A. Sections 40-8-76 and 40-8-76.1.

Effective July 1, 2011.

Act 246; HB 114

This Act clarifies the amount of a fee to be charged for filing a lien foreclosure affidavit and provides for the disposition of certain contents of abandoned vehicles.

The Act amends O.C.G.A. Sections 40-11-1 and 40-11-5 and enacts O.C.G.A. Section 40-11-10.

Effective July 1, 2011.

**TITLE 42
PENAL INSTITUTIONS**

Act 122; HB 162

This Act provides that registered sexual offenders may not photograph minor children without the consent of a parent or guardian.

The Act amends O.C.G.A. Section 42-1-18.

Effective May 11, 2011.

Act 109; HB 197

This Act provides for limitations at the applicable Georgia Medicaid rate on medical charges for providing emergency medical care services to persons in custody in local detention facilities.

The Act enacts O.C.G.A. Section 42-4-15.

Effective May 11, 2011.

Act 215; SB 214

This Act facilitates the transfer and use of confidential parole and probation supervision records between the State Board of Pardons and Paroles and probation officials employed by the Department of Corrections.

The Act amends O.C.G.A. Sections 42-8-40 and 42-9-53.

Effective July 1, 2011.

**TITLE 43
PROFESSIONS AND BUSINESSES**

Act 183; SB 135

This Act provides that no person other than a doctor of chiropractic may render chiropractic services or chiropractic adjustments.

The Act amends O.C.G.A. Section 43-9-18.

Effective July 1, 2011.

TITLE 43 (continued)

Act 247; SB 100

This Act amends the definition of the term "approved nursing education program." The Act prohibits any person from using the title "nurse" or from using an abbreviation that represents oneself as a nurse unless the person is licensed or otherwise authorized under Article 1 or Article 2 of O.C.G.A. Chapter 43-26. The Act revises requirements for certain applicants as a registered professional nurse. The Act also revises certain requirements relating to nontraditional nursing education programs.

The Act changes certain requirements relative to clinical perfusionists. The Act revises the definition of the term "perfusion." The Act changes the continuing education requirements for clinical perfusionists. The Act also removes the requirement that perfusionists be currently certified by the American Board of Cardiovascular Perfusion in order to obtain license renewal.

The Act amends O.C.G.A. Sections 43-26-3, 43-26-6, 43-26-7 43-26-33, 43-34-11, 43-34-171, and 43-34-174.

Effective May 13, 2011.

Act 107; HB 99

This Act requires applicants for licensure as a licensed practical nurse to undergo a fingerprint record check. The Act provides that an application for a license constitutes express consent for a criminal background check and that applicants are responsible for all fees associated with such a background check.

The Act enacts O.C.G.A. Section 43-26-36.1.

Effective July 1, 2011.

Act 194; HB 145

This Act revises the definition of the term "physical therapy" under the Georgia Physical Therapy Act to include dry needling.

The Act amends O.C.G.A. Section 43-33-3.

Effective July 1, 2011.

Act 110; HB 303

This Act revises provisions relating to delegation of authority to a nurse or physician assistant by a physician. The Act authorizes advanced practice registered nurses and physician assistants to sign off on certain documents relating to health care. The Act removes the requirement that a supervising physician periodically see a patient receiving medical services from a physician assistant with the requirement that the supervising physician's involvement in the patient's care be appropriate to the nature of the practice and the acuity of the patient's medical issue.

The Act amends O.C.G.A. Sections 43-34-23, 43-34-25, 43-34-103, and 43-34-109.

Effective July 1, 2011.

Act 108; HB 147

This Act amends the "Patient Right to Know Act of 2001" by requiring information as to whether a physician has medical malpractice insurance as part of the physician profile. The Act provides that a patient has the right to inquire as to whether the physician carries medical malpractice insurance. The Act requires the Georgia Composite Medical Board to compile an annual report.

The Act amends O.C.G.A. Sections 43-34A-3 and 43-34A-5 and enacts O.C.G.A. Section 43-34A-9.

Effective July 1, 2011.

Act 101; HB 53

This Act exempts persons with a valid peace officer certification who are employed by or work as independent contractors for licensed private security businesses from the training provisions for such businesses and from further licensure. The Act permits such persons to carry a firearm without obtaining a weapons permit from the Georgia Board of Private Detective and Security Agencies.

TITLE 43 (continued)

The Act requires that licensed private detective businesses and private security businesses register any such employees or independent contractors with the board.

The Act changes provisions relating to unfair trade practices by licensed real estate brokers and related licensed professionals involved in real estate transactions.

The Act amends O.C.G.A. Sections 43-38-14 and 43-40-25.

Effective May 11, 2011.

**TITLE 45
PUBLIC OFFICERS AND EMPLOYEES**

Act 195; HB 156

This Act amends indemnification payments for death or disability of state highway employees injured or killed in the line of duty and dedicates the Georgia move-over law in honor of fallen HERO Operator Spencer Pass.

The Act amends O.C.G.A. Sections 40-6-16 and 45-9-85.

Effective July 1, 2011.

Veto No. 2; SB 58

This Act amends indemnification payments for death or disability of state highway employees injured or killed in the line of duty.

The Act amends O.C.G.A. Section 45-9-85.

Act 118; HB 107

This Act provides that the spouse or dependent of a deceased public employee may elect to continue health care coverage provided that he or she agrees to the same terms and pays under the same rate as current public employees.

The Act amends O.C.G.A. Section 45-18-9.

Effective May 11, 2011.

**TITLE 46
PUBLIC UTILITIES AND PUBLIC TRANSPORTATION**

Act 191; HB 116

This Act exempts local exchange companies under the jurisdiction of the Public Service Commission from certain procedures relating to the issuance of stocks, bonds, notes, or other debt if the stocks, bonds, notes, or other evidences of debt are issued as part of a debt transaction that is an interstate transaction.

The Act amends O.C.G.A. Section 46-2-28.

Effective May 12, 2011.

Act 116; SB 108

This Act enacts the "Energy Independence and Rate Payer Protection Act." The Act amends the purpose of the universal service fund such that an electing distribution company is enabled to expand its facilities to include a natural gas fueling infrastructure for motor vehicles at the discretion of the Public Service Commission. The Act also provides that proceeds from the sale or lease of facilities financed from the universal service fund and any other payments to the fund as provided by order of the commission shall be sources for the creation and maintenance of the fund. The Act prohibits an electing distribution company, which receives a distribution from the fund, from selling or leasing any facilities financed by the fund to an affiliate for less than the higher of the net book value or fair market value of such facility without approval by the commission.

TITLE 46 (continued)

The Act amends O.C.G.A. Section 46-4-161.
Effective May 11, 2011.

Act 187; SB 156

This Act adds legislative findings and intent regarding the provision of 9-1-1 services, specifically as to prepaid wireless telecommunication services. The Act removes the requirement that a local government file a separate audit form for 9-1-1 charges or wireless fees collected. The Act provides for the powers, duties, and authority of counties, municipalities, and the state revenue commissioner relative to the collection of 9-1-1 charges on prepaid wireless services.

The Act amends O.C.G.A. Sections 46-5-121 and 46-5-134, enacts O.C.G.A. Section 46-5-134.2, and repeals O.C.G.A. Section 46-5-134.2.

Sections 4 and 5 of the Act are effective May 12, 2011; Section 3 of the Act is effective May 12, 2011, only for local administrative purposes, but in no event shall a fee and charge be imposed prior to January 1, 2012; Section 3 of the Act is effective January 1, 2012, for all purposes; and Sections 1 and 2 of the Act are effective January 1, 2012.

Act 96; HB 256

This Act adds legislative findings and intent regarding the provision of 9-1-1 services, specifically as to prepaid wireless telecommunication services. The Act provides for the powers, duties, and authority of counties, municipalities, and the state revenue commissioner relative to the collection of 9-1-1 charges on prepaid wireless services. The provisions of the Act are incorporated into Act 187.

The Act amends O.C.G.A. Section 46-5-121, enacts O.C.G.A. Section 46-5-134.2, and repeals O.C.G.A. Section 46-5-134.2.

Sections 4 and 5 of the Act are effective May 11, 2011; Section 3 of the Act is effective May 11, 2011, only for local administrative purposes, but in no event shall a fee and charge be imposed prior to January 1, 2012; Section 3 of the Act is effective January 1, 2012, for all purposes; and Sections 1 and 2 of the Act are effective January 1, 2012.

Act 57; HB 280

This Act amends the "Georgia Emergency Telephone Number 9-1-1 Service Act of 1977" by expanding the permitted uses of the Emergency Telephone System Fund moneys. The Act modifies provisions relating to information that must be registered by a service supplier doing business in Georgia for support of the 9-1-1 system.

The Act clarifies the authority of municipal corporations to enter into certain contracts regarding the use, operation, and management of real or personal property of the municipal corporation. The Act also provides for property leases for the erection of telecommunications towers.

The Act amends O.C.G.A. Sections 36-37-6, 46-5-122, 46-5-124.1, and 46-5-134.
Effective July 1, 2011.

**TITLE 47
RETIREMENT AND PENSIONS**

Act 121; HB 144

This Act revises, modernizes, and corrects errors or omissions in O.C.G.A. Title 47 in furtherance of the work of the Code Revision Commission.

The Act amends O.C.G.A. Sections 47-2-317 and 47-23-43.
Effective May 11, 2011.

TITLE 47 (continued)

Veto No. 4; SB 96

This Act clarifies the definition of the term "peace officer" relative to participation in the Peace Officers Annuity and Benefit Fund. The Act clarifies certain provisions relative to membership in such fund by certain employees of the Department of Natural Resources. The Act provides that the membership of any member of such fund shall cease if he or she ceases to be employed as a peace officer.

The Act amends O.C.G.A. Section 47-17-1 and enacts O.C.G.A. Section 47-17-45.

**TITLE 48
REVENUE AND TAXATION**

Act 46; HB 168

This Act defines the terms "Internal Revenue Code" and "Internal Revenue Code of 1986" in order to incorporate certain provisions of the federal law into Georgia law. The Act also provides for the revision of sales and use tax provisions for streamlined sales tax purposes, changes provisions related to deductions for bad debts, changes certain provisions relating to reporting and accounting methods, and provides for certification of review software.

The Act amends O.C.G.A. Sections 48-1-2, 48-8-2, 48-8-3, 48-8-38, 48-8-45, 48-8-49, and 48-8-77 and enacts O.C.G.A. Section 48-8-77.1.

Effective April 27, 2011.

Act 73; HB 346

This Act changes certain provisions regarding conditions under which confidential tax information may be released or used; changes the definition of taxable nonresident for income tax purposes; revises the income tax credit for clean energy property; and provides for the transfer, devise, and distribution of unused income tax credits for the donation of real property for conservation purposes.

The Act amends O.C.G.A. Sections 48-2-15, 48-7-1, 48-7-29.12, 48-7-29.14, and 48-7-60. Effective May 11, 2011; however, Sections 2 and 3A of the Act shall become effective on January 1, 2011, and Section 3 of the Act shall become effective on January 1, 2012.

Act 168; HB 382

This Act authorizes any municipality which currently has in effect a 7 percent levy on public accommodations charges for promotion of tourism to impose an additional levy under certain conditions upon approval of the levy by local Act of the General Assembly.

The Act amends O.C.G.A. Section 48-13-51.

Effective May 11, 2011.

Act 71; HB 95

This Act revises certain provisions regarding ad valorem taxation of forest land conservation use property.

The Act amends O.C.G.A. Section 48-5-7.7.

Effective May 11, 2011.

Act 238; HB 117

This Act provides for state sales and use taxation of certain health care services for a limited period of time and establishes a segregated account within the Indigent Care Trust Fund.

The Act amends O.C.G.A. Sections 48-8-2, 48-8-30, and 48-7-128 and enacts O.C.G.A. Section 31-8-152.1.

Effective May 13, 2011, except for Part I of the Act which becomes effective on July 1, 2011.

TITLE 48 (continued)

Act 74; HB 234

This Act extends for a limited period of time the sales and use tax exemption regarding the sale or use of engines, parts, equipment, or other tangible personal property used in the maintenance or repair of certain aircraft. The Act also enacts the "Georgia Tourism Development Act" which provides for a program of tax refunds for companies creating new tourism attractions or expanding existing tourism attractions.

The Act amends O.C.G.A. Section 48-8-3 and enacts O.C.G.A. Sections 48-8-270 through 48-8-278.

Effective July 1, 2011.

Act 47; HB 322

This Act changes certain provisions regarding the exemption for the sale or use of jet fuel by certain qualifying airlines at a qualifying airport and repeals certain provisions regarding limitations on the state revenue commissioner's authority to make distributions of unidentifiable sales and use tax proceeds.

The Act amends O.C.G.A. Sections 48-8-3 and 48-8-67.

Effective April 27, 2011, except for Section 1 of the Act which becomes effective on July 1, 2011.

Act 72; HB 240

This Act provides a procedure for modifying projects approved in a referendum that have become infeasible in connection with the county special purpose local option sales and use tax.

The Act enacts O.C.G.A. Section 48-8-123.

Effective May 11, 2011.

**TITLE 49
SOCIAL SERVICES**

Veto No. 8; HB 489

This Act prohibits contingency fee contracts for Medicaid recovery auditors when payment for services is based upon recovery of overpayments.

The Act enacts O.C.G.A. Section 49-4-151.1.

**TITLE 50
STATE GOVERNMENT**

Act 2; HB 77

This Act amends the 2010-2011 "General Appropriations Act" to change certain appropriations for State Fiscal Year 2010-2011.

Effective March 9, 2011.

Act 223; HB 78

This Act, the "General Appropriations Act," provides for the operation of state government for State Fiscal Year 2011-2012.

Effective May 12, 2011.

Act 94; HB 290

This Act adds a definition for agency so that the state purchasing card program includes application to all state entities, including state authorities.

The Act amends O.C.G.A. Section 50-5-83.

Effective July 1, 2011.

TITLE 50 (continued)

Veto No. 3; SB 86

This Act provides for the development of basic local plans and for procedures and status regarding such plans. The Act modifies the manner of review of developments of regional impact. The Act establishes the Georgia Certified Retirement Community Program to encourage retirees to move to Georgia. The Act provides that the Department of Community Affairs shall establish criteria for certifying retirement communities. The Act provides for application fees.

The Act amends O.C.G.A. Sections 50-8-2, 50-8-7.1, and 50-8-31 and enacts O.C.G.A. Section 50-8-35.1 and Article 10 of O.C.G.A. Chapter 50-8.

Act 63; SB 141

This Act creates the Martin Luther King, Jr. Advisory Council. The Act provides for membership and duties. The Act provides for the creation of a nonprofit corporation.

The Act enacts Article 10 of O.C.G.A. Chapter 50-8.

Effective May 9, 2011.

Act 167; HB 264

This Act moves authority related to the Georgia Council for the Arts from the Office of Planning and Budget to the Department of Economic Development.

The Act amends O.C.G.A. Sections 50-12-22 through 50-12-26.

Effective July 1, 2011.

Act 199; HB 261

This Act provides for an exemption from the public disclosure requirement for public records of government sponsored security programs that identify trainees or instructors training to prevent criminal or terrorist acts.

The Act amends O.C.G.A. Section 50-18-72.

Effective July 1, 2011.

TITLE 53

WILLS, TRUSTS, AND ADMINISTRATION OF ESTATES

Act 181; SB 134

This Act makes technical corrections, corrects terminology, and updates cross-references to reflect the enactment of guardianship and trust codes in recent legislative sessions. The Act also provides that natural guardians of children can consent on behalf of a beneficiary if there is no conflict of interest.

The Act amends O.C.G.A. Sections 29-4-41, 29-5-71, 34-9-102, 34-9-225, 34-9-226, 53-12-2, 53-12-7, 53-12-20, 53-12-201, 53-12-211, 53-12-261, 53-12-263, 53-12-321, 53-12-323, 53-12-451, and 53-12-452 and enacts O.C.G.A. Section 53-12-8.

Effective May 12, 2011.

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