

**SUMMARY OF
GENERAL STATUTES ENACTED
AT THE 2012 SESSION
OF THE
GENERAL ASSEMBLY OF
GEORGIA**

LEGISLATIVE SERVICES COMMITTEE

OFFICE OF LEGISLATIVE COUNSEL

**316 STATE CAPITOL
ATLANTA, GEORGIA 30334**

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 2012 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 2012 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 2012 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.

Wayne Allen
Legislative Counsel

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OFFICE OF THE SECRETARY OF THE SENATE
353 STATE CAPITOL BUILDING
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ATLANTA, GEORGIA 30334

(404) 656-5015

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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.

TITLE 1	GENERAL PROVISIONS
TITLE 2	AGRICULTURE
TITLE 3	ALCOHOLIC BEVERAGES
TITLE 4	ANIMALS
TITLE 5*	APPEAL AND ERROR
TITLE 6	AVIATION
TITLE 7	BANKING AND FINANCE
TITLE 8*	BUILDINGS AND HOUSING
TITLE 9	CIVIL PRACTICE
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TITLE 12	CONSERVATION AND NATURAL RESOURCES
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TITLE 16	CRIMES AND OFFENSES
TITLE 17	CRIMINAL PROCEDURE
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TITLE 24	EVIDENCE
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TITLE 26	FOOD, DRUGS, AND COSMETICS
TITLE 27	GAME AND FISH
TITLE 28	GENERAL ASSEMBLY
TITLE 29	GUARDIAN AND WARD
TITLE 30*	HANDICAPPED PERSONS
TITLE 31	HEALTH
TITLE 32	HIGHWAYS, BRIDGES, AND FERRIES
TITLE 33	INSURANCE
TITLE 34	LABOR AND INDUSTRIAL RELATIONS
TITLE 35	LAW ENFORCEMENT OFFICERS AND AGENCIES
TITLE 36	LOCAL GOVERNMENT
TITLE 37*	MENTAL HEALTH
TITLE 38	MILITARY, EMERGENCY MANAGEMENT, AND VETERANS AFFAIRS
TITLE 39*	MINORS
TITLE 40	MOTOR VEHICLES AND TRAFFIC
TITLE 41*	NUISANCES
TITLE 42	PENAL INSTITUTIONS
TITLE 43	PROFESSIONS AND BUSINESSES
TITLE 44	PROPERTY
TITLE 45	PUBLIC OFFICERS AND EMPLOYEES
TITLE 46	PUBLIC UTILITIES AND PUBLIC TRANSPORTATION
TITLE 47	RETIREMENT AND PENSIONS
TITLE 48	REVENUE AND TAXATION
TITLE 49	SOCIAL SERVICES
TITLE 50	STATE GOVERNMENT
TITLE 51*	TORTS
TITLE 52*	WATERS OF THE STATE
TITLE 53*	WILLS, TRUSTS, AND ADMINISTRATION OF ESTATES

GENERAL ASSEMBLY 2012 SESSION SUMMARY

HOUSE BILLS	Introduced	Passed	Prefiled Not Intro.	Governor Signed	Governor Vetoed
Pending from the 2011 Session	463	48	2	46	2
Introduced during the 2012 Session	<u>653</u>	<u>353</u>	<u>2</u>	<u>349</u>	<u>4</u>
	1116	401	4	395	6
Generals Passed.	131				
Locals Passed.	<u>270</u>				
Total Passed.	401				
				Sent to the Governor for approval.	401

HOUSE RESOLUTIONS	Introduced	Adopted	Prefiled Not Intro.	Governor Signed	Governor Vetoed
Pending from the 2011 Session	132	0	0	0	0
Introduced during the 2012 Session	<u>1129</u>	<u>999</u>	<u>1</u>	<u>5</u>	<u>0</u>
	1261	999	1	5	0
Generals Adopted.	5				
Other Non-Privileged Adopted.	13				
Locals Adopted.	0				
Constitutional Amendments.	1				
Privileged Adopted.	<u>980</u>				
Total Adopted.	999				
				Sent to the Governor for approval.	5

SENATE BILLS	Introduced	Passed	Prefiled Not Intro.	Governor Signed	Governor Vetoed
Pending from the 2011 Session	219	23	2	23	0
Introduced during the 2012 Session	<u>221</u>	<u>93</u>	<u>0</u>	<u>91</u>	<u>2</u>
	440	116	2	114	2
Generals Passed.	77				
Locals Passed.	<u>39</u>				
Total Passed.	116				
				Sent to the Governor for approval.	116

SENATE RESOLUTIONS	Introduced	Adopted	Prefiled Not Intro.	Governor Signed	Governor Vetoed
Pending from the 2011 Session	54	1	0	1	0
Introduced during the 2012 Session	<u>730</u>	<u>675</u>	<u>0</u>	<u>3</u>	<u>0</u>
	784	676	0	4	0
Generals Adopted.	3				
Other Non-Privileged Adopted.	9				
Locals Adopted.	0				
Constitutional Amendments.	1				
Privileged Adopted.	<u>663</u>				
Total Adopted.	676				
				Sent to the Governor for approval.	4

TOTAL BILLS	Introduced	Passed	Prefiled Not Intro.	Governor Signed	Governor Vetoed
HOUSE BILLS.	1116	401	4	395	6
SENATE BILLS.	<u>440</u>	<u>116</u>	<u>2</u>	<u>114</u>	<u>2</u>
TOTAL FOR BOTH HOUSES.	1556	517	6	509	8

Total number of Bills sent to the Governor for approval. 517

TOTAL RESOLUTIONS	Introduced	Passed	Prefiled Not Intro.	Governor Signed	Governor Vetoed
HOUSE RESOLUTIONS.	1261	999	1	5	0
SENATE RESOLUTIONS.	<u>784</u>	<u>676</u>	<u>0</u>	<u>4</u>	<u>0</u>
TOTAL FOR BOTH HOUSES.	2045	1675	1	9	0

Total number of Resolutions sent to the Governor for approval. 9



**TITLE 1
GENERAL PROVISIONS**

Act 684; HB 942

This Act makes extensive editorial amendments to the O.C.G.A. 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 1, 2012.

**TITLE 2
AGRICULTURE**

Act 745; SB 367

This Act authorizes the Commissioner of Agriculture to require persons incurring civil penalties for violations of laws enforced by the Commissioner to obtain a surety bond covering the unpaid or suspended portion of such penalty.

The Act amends O.C.G.A. Section 2-2-9.1.

Effective July 1, 2012.

Act 665; HB 746

This Act provides that the Commissioner of Agriculture shall render a final decision within 30 days from the filing of an application for final agency review.

The Act amends O.C.G.A. Section 2-2-9.1.

Effective July 1, 2012.

Act 747; SB 390

This Act provides for immunity from tort liability for the agency designated to provide seed certification. The Act changes the time for filing a complaint with the Seed Arbitration Council.

The Act amends O.C.G.A. Sections 2-11-52 and 2-11-73.

Effective July 1, 2012.

Act 742; SB 357

This Act repeals the "Georgia Treated Timber Products Act of 1973."

The Act amends Article 5 of O.C.G.A. Chapter 2-14.

Effective July 1, 2012.

Act 671; HB 832

This Act removes the requirement that the royalty and license fee for the Vidalia onion trademark not exceed 0.5 cents for each six ounces.

The Act amends O.C.G.A. Section 2-14-132.1.

Effective July 1, 2012.

**TITLE 3
ALCOHOLIC BEVERAGES**

Act 655; HB 472

This Act amends the definition of brewpub to provide that the barrels of beer sold to licensed wholesale dealers for distribution to retailers and retail consumption dealers as authorized pursuant to O.C.G.A. Section 3-5-36(2)(C) are not to be used when determining the total annual gross food and beverage sales. The Act changes the number of barrels of beer the holder of a brewpub license

TITLE 3 (continued)

can manufacture on the licensed premises in a calendar year solely for retail sale on the premises from 5,000 barrels to 10,000 barrels. The Act also changes the maximum number of barrels of beer the holder of a brewpub license can sell to licensed wholesale dealers for distribution to retailers and retail consumption dealers from 500 barrels to 5,000 barrels.

The Act amends O.C.G.A. Sections 3-1-2 and 3-5-36.

Effective July 1, 2012.

Act 697; HB 1066

This Act revises certain provisions relating to alcoholic beverage licenses. The Act makes certain changes to the issuance, expiration, and renewal of alcohol beverage licenses. The Act provides for a special event use permit for the sale of alcoholic beverages for certain events which would otherwise require a retailer or retail dealer's license. An annual occupational license tax is imposed upon a special event use permit applicant, and such permit is valid for no more than ten days. The Act also changes certain provisions related to the payment of annual occupational license taxes. The Act declares as contraband any distilled spirits possessed, sold, or offered for sale by a retail dealer or retail consumption dealer which are purchased or otherwise acquired from any person other than certain wholesale dealers and provides that such contraband be seized and disposed of by the commissioner of revenue.

The Act amends O.C.G.A. Sections 3-2-7, 3-4-20, 3-4-111, 3-4-111.1, 3-5-20, and 3-6-20 and enacts O.C.G.A. Section 3-14-1 and Chapter 14 of Title 3.

Effective July 1, 2012.

Act 721; SB 114

This Act authorizes the commissioner of revenue to issue a license authorizing the manufacture of distilled spirits from agricultural products other than perishable fruits grown in this state and imposes certain requirements upon the issuance of such license. The Act prohibits the issuance of a manufacturer's or distiller's license to a fruit grower or for the manufacture of distilled spirits from agricultural products other than perishable fruits in any county or municipality of this state that has not approved either the package sale of distilled spirits or the sale of distilled spirits by the drink, or both. The Act also makes it unlawful for such licensees to sell or dispose of distilled spirits or alcohol made from perishable fruit grown in this state or agricultural products other than such perishable fruits in any municipality, county, or unincorporated area of a county in which the sale of distilled spirits or alcohol is prohibited and to any person not holding an importer's, broker's, or wholesaler's license issued pursuant to Chapter 4 of Title 3 of the O.C.G.A. or by another state. The Act provides that such licensees may provide educational and promotional tours.

The Act amends O.C.G.A. Section 3-4-24 and enacts O.C.G.A. Section 3-4-24.1.

Effective July 1, 2012.

Act 656; HB 514

This Act authorizes free tastings of distilled spirits to be conducted on the premises of distillers as a part of educational and promotional distillery tours. The Act defines a sample as one-half of one ounce of distilled spirits. The Act prohibits a distiller conducting a free tasting from providing more than one sample to a person in one calendar day. The Act requires that the free tastings be held in a designated tasting area on the premises of the distiller and that open bottles be visible at all times.

The Act enacts Article 8 of Chapter 4 of Title 3 of the O.C.G.A.

Effective July 1, 2012.

TITLE 4 ANIMALS

Act 765; HB 685

This Act enacts the "Responsible Dog Ownership Law" to revise provisions relating to dangerous and vicious dogs. The Act provides for the classification of dangerous and vicious dogs. The Act

TITLE 4 (continued)

provides for procedures and notice of such classification. The Act changes provisions relative to liability for damages caused by dogs. The Act provides for euthanizing offending dogs. The Act provides for certain unlawful acts relating to an owner's control of dogs and for criminal penalties for violations.

The Act redesignates O.C.G.A. Section 4-8-1 as O.C.G.A. Section 4-8-1.1, enacts O.C.G.A. Section 4-8-1 and Article 2 of O.C.G.A. Chapter 4-8, and amends O.C.G.A. Sections 4-8-4 and 4-8-5.

Effective July 1, 2012.

TITLE 6 AVIATION

Act 772; SB 371

This Act authorizes local governments to accept community improvement district funds to use for improvements to airports and landing fields within the district.

The Act amends O.C.G.A. Section 6-3-20.

Effective July 1, 2012.

TITLE 7 BANKING AND FINANCE

Act 615; HB 886

This Act limits the amount of credit exposure a bank may undertake as a counterparty in a derivative transaction.

The Act amends O.C.G.A. Section 7-1-285.

Effective July 1, 2012.

Act 686; HB 945

This Act provides that banks and trust companies may issue non-cash valued shares and pay dividends from sources other than retained earnings with prior approval from the Department of Banking and Finance.

The Act amends O.C.G.A. Sections 7-1-415 and 7-1-460.

Effective July 1, 2012.

Act 435; HB 898

This Act enacts the "Georgia Merchant Acquirer Limited Purpose Bank Act" which provides for the organization, regulation, and optional chartering of merchant acquirer limited purpose banks with the Department of Banking and Finance.

The Act enacts O.C.G.A. Chapter 7-9.

Effective March 28, 2012.

TITLE 9 CIVIL PRACTICE

Act 695; HB 1048

This Act authorizes the court to appoint individual temporary process servers. The Act provides for filing fees for applications for certified process servers.

The Act amends O.C.G.A. Sections 9-11-4 and 15-6-77.

Effective May 1, 2012.

TITLE 9 (continued)

Act 713; SB 383

This Act creates the "Georgia International Commercial Arbitration Code" and provides for the implementation of international commercial arbitration and the enforcement of related arbitration agreements and awards.

The Act enacts O.C.G.A. Sections 9-9-20 through 9-9-59.

Effective July 1, 2012, and applies to international arbitration agreements entered into on and after such date and to international arbitration agreements entered into prior to such date to which the provisions of former Part 2 of Article 1 of Chapter 9 of Title 9 apply.

TITLE 10 COMMERCE AND TRADE

Act 590; HB 872

This Act provides for the comprehensive revision of provisions regarding secondary metals recyclers. The Act provides for definitions, procedures, conditions, limitations, and prohibitions relating to the buying and selling of regulated metal property and changes provisions relating to record keeping required of secondary metals recyclers. The Act also changes provisions relating to inspections by law enforcement officers and the method of payment by recyclers.

The Act amends O.C.G.A. Sections 16-8-12, 40-3-36, and 40-3-56, and enacts O.C.G.A. Section 10-1-360.1.

Effective July 1, 2012, except that Part II of the Act, relating to the establishment of a statewide database by the Georgia Bureau of Investigation, shall only become effective upon the specific appropriation of funds for such purposes.

Act 640; HB 1132

This Act provides that certain telemarketing practices involving telephone solicitations shall be prohibited in Georgia. Among other things, the Act requires the telemarketing business to identify itself and not to block or otherwise circumvent a caller identification system.

The Act enacts O.C.G.A. Section 10-1-393.13.

Effective May 1, 2012.

Act 637; HB 933

This Act modifies several provisions relating to funeral directors and establishments, embalmers, crematories, and cemeterians to provide for the release of funds from an escrow account when a monument is placed into a bonded memorial storage program and to allow for electronic signatures for funeral services. The Act also clarifies certain definitions relating to funeral services and the necessity of registration for preneed dealers.

The Act amends O.C.G.A. Sections 10-14-3, 10-14-3.1, 10-14-4, 10-14-5, 10-14-7, 10-14-17, 10-14-18, 43-18-1, and 43-18-50, and enacts O.C.G.A. Sections 10-14-5.1 and 10-14-7.1.

Effective May 1, 2012.

TITLE 12 CONSERVATION AND NATURAL RESOURCES

Act 635; SB 427

This Act requires the director of the Environmental Protection Division to implement procedures for the timely processing of applications for the issuance or renewal of permits or variances and also establishes an expedited procedure for an additional fee.

TITLE 12 (continued)

The Act amends O.C.G.A. Section 12-2-2.
Effective July 1, 2013.

Act 738; SB 339

This Act provides for the transfer of personnel, aircraft, and other associated parts and equipment from the Georgia Aviation Authority to the Department of Natural Resources, the State Forestry Commission, and the Department of Transportation. These are approximately the same personnel, aircraft, and equipment previously controlled by these agencies that were transferred from these agencies to the authority on July 1, 2009.

The Act amends O.C.G.A. Section 6-5-4 and enacts O.C.G.A. Sections 12-2-11 and 12-6-25.
Effective July 1, 2012.

Act 733; SB 319

This Act authorizes the Department of Natural Resources to post areas where boats shall not be permitted and makes it a crime to operate a boat in violation of such posted restrictions. The Act also modifies provisions relating to the operation of live-aboard floating vessels.

The Act amends O.C.G.A. Sections 12-3-10, 12-5-282, 12-5-288, 52-1-3, and 52-1-32.
Effective July 1, 2012.

TITLE 13 CONTRACTS

Act 725; SB 181

This Act enacts certain procedures relative to the payment of attorney fees in civil actions of more than \$20,000.00 and prohibits contingent compensation in forfeiture actions.

The Act amends O.C.G.A. Section 13-1-11, and enacts O.C.G.A. Section 16-1-12.

Effective July 1, 2011, and applicable to all contracts which are entered into on or after that date.

TITLE 15 COURTS

Act 599; HB 665

Part I of this Act clarifies numerous provisions relating to the clerk of superior court. The Act modernizes provisions relating to storage, collection, access, destruction, and transmittal of documents in superior court clerks' offices; provides for superior court clerks serving as clerks in other courts; provides for filling the vacancy of clerk; and changes provisions relating to recording maps and plats, office hours, transfer of cases from magistrate court, requirements for recording documents and plats, inspection of records, and microform standards. Part II of the Act conforms and corrects cross-references from Part I of the Act. Part III of the Act clarifies the qualifications of persons who are eligible to serve as grand or trial jurors.

The Act amends O.C.G.A. Sections 1-3-1, 9-11-29.1, 9-12-81, 15-1-10, 15-6-51, 15-6-53, 15-6-54, 15-6-55, 15-6-56, 15-6-57, 15-6-58, 15-6-59, 15-6-61, 15-6-62, 15-6-66, 15-6-67, 15-6-68, 15-6-73, 15-6-74, 15-6-79, 15-6-80, 15-6-82, 15-6-86, 15-6-87, 15-6-89, 15-6-90, 15-6-91, 15-6-93, 15-10-87, 15-12-40.1, 15-12-60, 15-13-33, 15-13-36, 15-16-8, 15-16-10, 15-16-26, 36-9-5, 42-1-12, 44-2-14, 44-2-26, 42-4-4, 44-5-30, 44-14-4, 44-14-364, 50-18-70, 50-18-98, and 50-18-120.

The Act repeals O.C.G.A. Sections 15-6-87.1, 15-6-88.1, 15-6-92, and 15-16-11.

The Act enacts O.C.G.A. Sections 15-6-100 and 15-12-40.

Effective July 1, 2012.

TITLE 15 (continued)

Act 597; SB 356

This Act provides for an additional judge of the superior court for the Bell-Forsyth and Piedmont judicial circuits and provides for the selection process for the chief judge of the Gwinnett Judicial Circuit.

The Act amends O.C.G.A. Section 15-6-2.

Effective January 1, 2013, except that the ability to appoint the initial judgeships is effective April 16, 2012.

Act 718; SB 50

This Act changes a provision relating to the location of criminal jury trial when a courthouse is unavailable in judicial circuits with a certain population. The Act changes the priorities of the distribution of fines and additional fees in cases of partial payments into the court and adds certain fees to the list of priorities.

The Act amends O.C.G.A. Sections 15-6-18 and 15-6-95.

Effective July 1, 2012.

Act 604; HB 198

This Act removes the sunset dates for real estate filing fees, personal property filing fees, and the state-wide uniform automated information system.

The Act amends O.C.G.A. Sections 15-6-77, 15-6-97, and 15-6-98.

Effective July 1, 2012.

Act 657; HB 534

This Act updates population eligibility requirements with the 2010 Census information for issues involving the qualification of a probate court judge, chief clerks appointed by a probate judge, and the definition of the term "probate court" relative to jury trials and appeals.

The Act amends O.C.G.A. Sections 15-9-4, 15-9-36, and 15-9-120.

Effective July 1, 2012.

Act 771; SB 366

This Act removes the sunset of the increased length of detention for delinquent children at the Department of Juvenile Justice. The Act also revises restrictions regarding the possession of contraband at juvenile detention facilities and enacts new restrictions and applicable definitions.

The Act amends O.C.G.A. Sections 15-11-66 and 49-4A-11.

The Act enacts O.C.G.A. Sections 49-4A-15 through 49-4A-18.

Effective July 1, 2012, and applies to offenses committed on and after July 1, 2012.

Act 692; HB 991

This Act changes provisions relating to how a vacancy for the office of sheriff is filled.

The Act amends O.C.G.A. Section 15-16-8.

Effective July 1, 2012.

Act 694; HB 1026

This Act updates population eligibility requirements with the 2010 Census information to exclude certain populations from contracts between the sheriff and municipal corporation within the sheriff's county.

The Act amends O.C.G.A. Section 15-16-13.

Effective July 1, 2012.

TITLE 15 (continued)

Act 534; SB 352

This Act allows prosecuting attorneys to bring actions to enforce laws relating to vehicles overtaking school buses. The Act provides for an acting solicitor-general in the event of the death or resignation of a solicitor-general. The Act provides for prosecuting attorneys in municipal courts and courts exercising municipal jurisdiction and provides for their qualifications, appointment, compensation, and duties. The Act allows municipal courts to have jurisdiction in cases involving transactions in drug objects in violation of O.C.G.A. Section 16-13-32.

The Act amends O.C.G.A. Sections 15-18-6 and 15-18-66.

The Act enacts O.C.G.A. Section 15-18-70.1, Article 5 of O.C.G.A. Chapter 15-18, and O.C.G.A. Section 36-32-6.1.

Effective April 11, 2012.

**TITLE 16
CRIMES AND OFFENSES**

Act 639; HB 1114

This Act repeals the current assisted suicide law and provides for the new crime of assisted suicide. The Act requires health care providers to report convictions and civil judgments for wrongful death to the applicable licensing boards and makes assisted suicide a predicate act for purposes of RICO.

The Act amends O.C.G.A. Section 16-14-3, enacts O.C.G.A. Sections 16-5-5 and 51-4-6, and repeals O.C.G.A. Section 16-5-5.

Effective May 1, 2012.

Act 709; HB 1176

This Act enacts criminal justice reforms including recommendations from the 2011 Special Council on Criminal Justice Reform for Georgians. Part I of this Act expands appellate rights by the state. Part II of the Act changes provisions relating to drug and mental health courts, increases allowable fees for diversion programs, and allows an increased financial penalty to be added to the punishment for violating certain drug-related laws. Part III of the Act changes the elements of and punishment for the crimes of burglary, theft, shoplifting, counterfeit Universal Product Codes, forgery, deposit account fraud, and possession of controlled substances. Part IV of the Act extends the statute of limitations for the prosecutions of certain sexual crimes committed against persons under the age of 16 to be unlimited, changes provisions relating to probation supervision, and removes certain recidivist punishment for possession of drugs. Part V of the Act expands mandatory child abuse reporting requirements. Part VI of the Act provides a process and time frames for restricting access to criminal history information under certain circumstances. Part VII changes provisions relating to probation supervision and early termination of probation, allows for graduated sanctions, and provides for a maximum stay in probation detention centers. Part VIII conforms and corrects cross-references due to the changes made in other parts of the Act.

The Act amends O.C.G.A. Sections 5-6-34, 5-7-1, 5-7-2, 15-1-15, 15-1-16, 15-10-260, 15-11-30.3, 15-11-83, 15-18-80, 15-21-100, 15-21-101, 16-7-1, 16-8-12, 16-8-14, 16-8-17, 16-9-1, 16-9-2, 16-9-3, 16-9-20, 16-11-131, 16-13-30, 16-13-31, 16-14-3, 16-16-1, 17-3-1, 17-3-2.1, 17-6-1, 17-7-70.1, 17-10-1, 17-10-7, 17-10-9.1, 17-10-30, 19-7-5, 31-7-250, 31-7-350, 35-3-34, 35-3-37, 36-32-9, 42-1-1, 42-2-1, 42-2-11, 42-5-50, 42-5-85, 42-8-23, 42-8-35, 42-8-35.4, 42-8-37, and 42-8-38.

The Act enacts O.C.G.A. Section 42-1-11.2.

The Act repeals O.C.G.A. Sections 16-9-3 and 42-8-21.

Most of the Act is effective July 1, 2012, and applicable to all offenses committed on or after such date, and prior convictions shall be counted for purposes of applying penalties for subsequent convictions; provided, however, the weight-based elements of drug possession offenses shall be phased in effective July 1, 2013, and July 1, 2014, according to the schedule of the drug and the changes to restricting criminal record information shall become effective on July 1, 2013.

TITLE 16 (continued)

Act 595; HB 1093

This Act removes the requirement for store owners to post signs to alert persons that it is unlawful to remove shopping carts from the premises.

The Act amends O.C.G.A. Section 16-8-21.

Effective April 16, 2012.

Act 648; HB 237

This Act changes the definition of the term "mortgage lending process" in the "Georgia Residential Mortgage Fraud Act" so that foreclosure fraud is also prohibited.

The Act amends O.C.G.A. Sections 16-8-101 and 16-8-102.

Effective July 1, 2012.

Act 582; HB 997

This Act makes it unlawful to knowingly file a false lien in a public record against the real or personal property of a public officer or public employee and provides for penalties.

The Act amends O.C.G.A. Section 16-14-3 and enacts O.C.G.A. Section 16-10-20.1.

Effective July 1, 2012.

Act 754; SB 441

This Act makes it unlawful to knowingly point a laser device at a law enforcement official or to knowingly aim a laser at an aircraft and provides for penalties.

The Act enacts O.C.G.A. Sections 16-10-34 and 16-11-45.

Effective July 1, 2012, and shall apply to all offenses committed on or after such date.

Act 636; HB 541

This Act makes it unlawful to intimidate a law enforcement officer in retaliation for the officer's carrying out his or her official duties and provides for penalties.

The Act amends O.C.G.A. Section 16-10-97.

Effective July 1, 2012.

Act 753; SB 432

This Act prohibits counties, municipalities, and consolidated governments from enacting ordinances relative to possession, manufacture, sale, or transfer of knives that are more restrictive than general law.

The Act enacts O.C.G.A. Section 16-11-136.

Effective July 1, 2012.

Act 631; HB 954

This Act changes provisions relating to criminal abortion and when an abortion is legal. The Act requires a determination of gestational age prior to performing an abortion and changes the definition of the term "medical emergency." The Act also makes changes to the "Woman's Right to Know Act."

The Act amends O.C.G.A. Sections 16-12-140, 16-12-141, 31-9A-6.1, and 31-9A-2.

The Act enacts Chapter 9B of O.C.G.A. Title 31.

Effective January 1, 2013, but effective May 1, 2012, for purposes of promulgating applicable rules and regulations.

Act 434; SB 370

This Act, "Chase's Law," makes changes to the list of Schedule I and Schedule V controlled substances and dangerous drugs.

TITLE 16 (continued)

The Act amends O.C.G.A. Sections 16-13-25, 16-13-29, and 16-13-71.
Effective March 27, 2012.

**TITLE 17
CRIMINAL PROCEDURE**

Act 764; SB 350

This Act establishes procedure for the disposition of firearms subject to forfeiture and changes provisions relating to the disposition of personal property in the custody of law enforcement agencies.

The Act amends O.C.G.A. Sections 16-16-2, 17-5-51, 17-5-52, and 17-5-54 and enacts O.C.G.A. Section 17-5-52.1.

Effective May 3, 2012.

**TITLE 18
DEBTOR AND CREDITOR**

Act 260; HB 683

This Act makes extensive revisions to garnishment proceedings and provides that the filing of certain answers on behalf of garnishees may be done by authorized officers or employees of an entity and not constitute the practice of law. The Act also revises definitions, provides that delivery to the court of money or property that is subject to garnishment may be done by officers or employees of an entity, and changes provisions relating to service of garnishment actions.

The Act amends O.C.G.A. Sections 18-4-1, 18-4-3, 18-4-20, 18-4-21, 18-4-23, 18-4-62, 18-4-66, 18-4-80 through 18-4-85, 18-4-90 through 18-4-92, 18-4-92.1, 18-4-97, 18-4-110, 18-4-112, 18-4-113 through 18-4-117, 18-4-118, and 18-4-133 through 18-4-135, and enacts O.C.G.A. Section 18-4-8.

Effective February 7, 2012.

**TITLE 19
DOMESTIC RELATIONS**

Act 702; HB 1198

This Act provides for court ordered grandparent visitation and grandparent visitation rights. The Act provides a basis for a court to find that harm would result to a minor child if grandparent visitation were denied. The court is authorized to provide for grandparent visitation without a finding of harm, where the parent of the minor child is deceased, incapacitated, or incarcerated and the court finds that such visitation would be in the best interest of the child. The Act also provides an opportunity for grandparents to be notified of a minor child's public performances.

The Act amends O.C.G.A. Section 19-7-3.

Effective May 1, 2012.

Act 600; HB 733

This Act provides a holdover provision for members of the State Commission on Family Violence. The Act amends O.C.G.A. Section 19-13-32.
Effective April 16, 2012.

**TITLE 20
EDUCATION**

Act 673; HB 845

This Act requires early care and education programs to provide educational information on the influenza vaccine to the parent or guardian of each enrolled child.

The Act enacts O.C.G.A. Section 20-1A-18.

Effective July 1, 2012

Act 619; HB 706

This Act updates or repeals various obsolete provisions relating to elementary and secondary education.

The Act amends O.C.G.A. Sections 20-2-5, 20-2-5.2, 20-2-7, 20-2-103, 20-2-150, 20-2-168, 20-2-210, 20-2-240, 20-2-270, 20-2-281, 20-2-500, 20-2-690, 20-2-690.1, 20-2-694, 20-2-701, and 20-2-984; and repeals O.C.G.A. Sections 20-2-12, 20-2-100, 20-2-212.3, 20-2-212.4, 20-2-213, 20-2-231, 20-2-232, 20-2-251 through 20-2-254, 20-2-285.1, 20-2-303, 20-2-312, 20-2-501, 20-2-502, 20-2-503, 20-2-660, 20-2-741, 20-2-771.1, 20-2-960, 20-2-1030 through 20-2-1033, and 20-2-1183.

Effective July 1, 2012.

Veto No. 1; SB 38

This Act provides the State School Superintendent with the sole authority to hire and dismiss employees of the Department of Education and employees of the state schools for the deaf and blind, subject only to an override by two-thirds vote of the State Board of Education.

The Act amends O.C.G.A. Sections 20-2-11, 20-2-241, and 20-2-302.

Act 750; SB 412

This Act delays until 2015 the operational date of a provision prescribing the composition and manner of election of the county board of education for those counties in which certain taxes are levied.

The Act amends O.C.G.A. Section 20-2-52.1.

Effective May 2, 2012.

Act 662; HB 713

This Act delays until 2013 the implementation of certain career and college readiness initiatives and requires course study in career education for grades kindergarten through 12.

The Act amends O.C.G.A. Sections 20-2-140, 20-2-159.1, 20-2-159.2, and 20-2-159.4; and enacts O.C.G.A. Section 20-2-145.1.

Effective July 1, 2012.

Act 708; SB 289

This Act requires the State Board of Education to establish rules and regulations to maximize use of online learning courses for students in certain grades and establishes guidelines for the provision of virtual learning services to students. The Act also repeals a provision allowing local boards of education to permit or prohibit the possession of electronic communication devices in school by students.

The Act amends O.C.G.A. Sections 20-2-160, 20-2-281, 20-2-319.1, 20-2-1013, and 20-2-1015; enacts O.C.G.A. Sections 20-2-140.1, 20-2-319.3, and 20-2-319.4; and repeals O.C.G.A. Section 20-2-1183.

Effective July 1, 2012.

TITLE 20 (continued)

Act 620; HB 824

This Act revises the method of calculating equalization grants for school systems and provides for additional qualification requirements beginning in 2015.

The Act amends O.C.G.A. Section 20-2-165.

Effective July 1, 2012.

Act 618; SB 404

This Act requires the State Board of Education to establish category-level expenditure controls for staff development funds and adjusts the equivalency percentage requirements for program weights to include school level administrators. The Act also establishes state-wide strategic initiatives for professional development.

The Act amends O.C.G.A. Sections 20-2-167, 20-2-182, and 20-2-201; and enacts O.C.G.A. Section 20-2-190.

Effective July 1, 2012.

Act 621; SB 403

This Act provides for the inclusion of school nurses in state formula funding, establishes grants for the purchase of school health nursing supplies, and authorizes creation of a school health nurse program coordinator within the Department of Education.

The Act amends O.C.G.A. Sections 20-2-186 and 20-2-771.2; and enacts O.C.G.A. Section 20-2-190.

Effective July 1, 2012.

Act 726; SB 184

This Act establishes the Professional Learning Rules Task Force to review rules regarding professional learning and make recommendations for revisions or implementation procedure. The Act also prohibits local schools boards from implementing policies in which time of service is the primary factor considered when making reductions in school personnel and requires that performance of the educator be the primary factor considered when making such decisions.

The Act enacts O.C.G.A. Sections 20-2-201.1 and 20-2-948.

Effective May 2, 2012.

Act 589; HB 692

This Act provides for the forfeiture and repayment of educator salary increases or bonuses that were awarded based on the falsified results of student assessments or standardized tests.

The Act amends O.C.G.A. Section 20-2-210.

Effective April 16, 2012.

Act 602; HB 760

This Act eliminates the exceptional growth capital outlay program and expands the maximum entitlement level for regular capital outlay earnings for elementary and secondary education. The Act allows for the redirecting of funds in the event of damage caused by natural disaster; broadens eligibility requirements for low-wealth capital outlay grants; and eliminates petition and referendum requirements for certain school closures.

The Act amends O.C.G.A. Sections 20-2-260 and 20-2-262.

Effective July 1, 2012; however, the Act shall apply beginning with Fiscal Year 2014 applications for funds.

Act 645; HB 175

This Act creates a clearing-house for computer based courses offered by local school systems and charter schools to students in other schools.

TITLE 20 (continued)

The Act enacts O.C.G.A. Section 20-2-319.3.
Effective July 1, 2012.

Act 642; HB 39

This Act requires declarations of intent and attendance records for home study programs to be submitted to the Department of Education.

The Act amends O.C.G.A. Sections 20-2-690, 20-2-690.1, 20-2-694, and 20-2-701.
Effective July 1, 2012.

Act 610; SB 183

This Act provides that school health nurse programs may consult with off-site health care professionals.

The Act amends O.C.G.A. Section 20-2-771.2.
Effective July 1, 2012.

Act 581; HB 879

This Act requires the Department of Education to develop guidelines for the training of school personnel in the care of students with diabetes and outlines procedures for ensuring that primary and secondary public schools in the state maintain personnel on staff to provide care for students with diabetes.

The Act enacts O.C.G.A. Section 20-2-779.
Effective July 1, 2012.

Act 707; SB 153

This Act requires school administrations, in certain non-fault terminations or suspensions of school employees, to specify that the termination or suspension is not due to fault or performance issues of the employee. The Act also requires any furlough days to be scheduled on a Friday or Monday or in conjunction with a holiday unless the local board of education provides otherwise.

The Act amends O.C.G.A. Section 20-2-940 and enacts O.C.G.A. Section 20-2-221.
Effective July 1, 2012.

Act 766; HB 797

This Act establishes the State Charter Schools Commission and provides for its membership, responsibilities, and powers. The Act authorizes the commission to consider petitions to create state charter schools and provides guidelines for the submission, consideration, and determination of petitions. The Act also provides for funding and operation of charter schools.

The Act amends Article 31A of Chapter 2 of Title 20 of the O.C.G.A.; and revises O.C.G.A. Section 20-2-2068.1.

Effective July 1, 2012; however, Section 1 shall become effective on January 1, 2013, but only if a constitutional amendment authorizing the General Assembly to create charter schools is ratified at the 2012 general election. If no such amendment is ratified, Section 1 shall be repealed on January 1, 2013.

Veto No. 3; HB 181

This Act requires additional notification to parents of students with disabilities of the Georgia Special Needs Scholarship, clarifies provisions relating to the qualification of students for the scholarship, and provides deadlines for the payment of recipients.

The Act amends O.C.G.A. Sections 20-2-2113, 20-2-2114, and 20-2-2116.

TITLE 20 (continued)

Act 626; SB 396

This Act redesignates the Herty Advanced Materials Development Center as the Georgia Southern University Herty Advanced Materials Development Center and transfers control of the center to the board of regents. The Act also provides a new governance structure for the operation of the center.

The Act enacts O.C.G.A. Section 20-3-73.3; and repeals O.C.G.A. Sections 12-6-130 through 12-6-139.

Effective July 1, 2012.

Act 748; SB 405

This Act provides that private colleges shall not be held liable for breach of confidentiality regarding student data submitted to the Office of Student Achievement.

The Act enacts O.C.G.A. Section 20-14-29.

Effective May 2, 2012.

Act 612; SB 410

This Act requires an annual review of certain indicators comprising the K-12 education accountability assessment. The Act provides general guidelines for what each indicator should measure and requires compilation of individual school reports based on the indicators.

The Act amends O.C.G.A. Sections 20-14-33, 20-14-34, 20-14-38, and 20-14-41.

Effective July 1, 2012.

Act 732; SB 302

This Act increases the maximum amount of outstanding bonds available for issue by the Georgia Higher Education Facilities Authority to \$500 million.

The Act amends O.C.G.A. Section 20-16-5.

Effective May 2, 2012.

Act 627; SB 227

This Act adopts the "Interstate Compact on Educational Opportunity for Military Children" to facilitate the efficient enrollment, integration, and graduation of children of military families as they transfer to new schools due to the military transfer or deployment of their parents. The Act promotes uniformity, cooperation, and information-sharing among schools in participating states. The Act also establishes the Interstate Commission on Educational Opportunity for Military Children to effectuate the compact.

The Act enacts O.C.G.A. Sections 20-17-1 and 20-17-2; and repeals Article 35 of Chapter 2 of Title 20 of the O.C.G.A.

Effective upon legislative enactment of the compact into law by no less than ten states.

TITLE 21 ELECTIONS

Act 719; SB 92

This Act makes numerous technical changes throughout O.C.G.A. Chapter 21-2, relating to elections. The Act makes provisions for qualifying in nonpartisan elections. The Act provides that nonpartisan elections for members of consolidated governments shall be considered county elections and not municipal elections.

The Act amends O.C.G.A. Chapter 21-2.

Sections 5, 10, 11, and 47 of the Act become effective May 2, 2012. Section 9 of the Act becomes effective on the first date upon which candidates may begin qualifying for the general primary in 2012, but only if implementation of the Act is permissible under the federal Voting Rights Act of 1965. The remaining sections of the Act become effective July 1, 2012.

TITLE 21 (continued)

Act 720; SB 101

This Act provides that each local board of education and election superintendent may develop and implement a Student Teen Election Participant program. The Act provides that participants may volunteer as poll workers.

The Act amends O.C.G.A. Section 21-2-92.

Effective May 2, 2012.

**TITLE 23
EQUITY**

Act 591; HB 822

This Act comprehensively addresses the submission of false claims to the state, the Georgia Medicaid program, and local governments by enacting the "Georgia Taxpayer Protection False Claims Act." The Act provides for remedies through the Attorney General and certain civil actions against persons or entities suspected of submitting false claims.

The Act amends O.C.G.A. Sections 49-4-168 through 49-4-168.5, and enacts O.C.G.A. Sections 23-3-120 through 23-3-127.

Effective April 16, 2012.

**TITLE 24
EVIDENCE**

Act 586; HB 711

This Act removes spousal privilege in criminal proceedings in certain circumstances. The Act also provides for confidentiality of communications between family violence or sexual assault victims and agents providing services to such victims and provides for the admissibility of and exceptions to disclosure of such information.

The Act amends O.C.G.A. Section 24-5-503 and enacts O.C.G.A. Section 24-5-509.

Effective January 1, 2013.

Act 643; HB 46

This Act enacts the "Uniform Interstate Depositions and Discovery Act" and repeals the "Uniform Foreign Depositions Act" to manage the issuance, service, and enforcement of subpoenas. The Act is divided into two parts, one of which becomes effective when the entire new Evidence Code becomes effective on January 1, 2013.

Part I of the Act repeals Article 6 of O.C.G.A. 24-10 and enacts a new Article 6 of O.C.G.A. 24-10 and Part II of the Act repeals Article 5 of O.C.G.A. 24-13 and enacts a new Article 5 of O.C.G.A. 24-13.

Part I becomes effective July 1, 2012, and applies to subpoenas served on or after July 1, 2012, and to actions pending on or after July 1, 2012, and Part II becomes effective on January 1, 2013, and applies to subpoenas served on or after January 1, 2013, and to actions pending on or after July 1, 2013, and Part I shall be repealed effective January 1, 2013.

**TITLE 25
FIRE PROTECTION AND SAFETY**

Act 755; SB 446

This Act transfers certain functions relating to elevators, dumbwaiters, escalators, manlifts, and moving walks, boilers and pressure vessels, amusement rides, carnival rides, and scaffolding and

TITLE 25 (continued)

staging from the Department of Labor and Commissioner of Labor to the Office of Safety Fire Commissioner and Safety Fire Commissioner.

The Act enacts O.C.G.A. Chapter 25-15; amends O.C.G.A. Section 8-2-31 and Part 6 of Article 1 of O.C.G.A. Chapter 8-2; and repeals O.C.G.A. Section 34-1-1 and O.C.G.A. Chapters 34-11, 34-12, and 34-13.

Effective May 2, 2012.

TITLE 26 FOOD, DRUGS, AND COSMETICS

Act 731; SB 300

This Act excludes establishments engaged in boiling, bottling, and selling sugar cane syrup or sorghum syrup from the definition of "food sales establishment" so as to exclude such establishments from certain regulatory requirements.

The Act amends O.C.G.A. Section 26-2-21.

Effective July 1, 2012.

Act 740; SB 346

This Act authorizes the sale, distribution, and delivery of a prescription drug by mail or common carrier where the prescription drug is delivered directly to a patient on behalf of a pharmacy. This Act authorizes hospital pharmacies to use remote order entry under certain circumstances.

The Act amends O.C.G.A. Sections 26-4-5, 26-4-60, and 26-4-80.

Effective July 1, 2012.

TITLE 27 GAME AND FISH

Act 676; HB 869

This Act updates numerous provisions relating to the management of salt-water fisheries. The Act provides prerequisites for obtaining a salt-water fishing license and revises the various method, limit, and species restrictions for salt-water fishing. The Act repeals obsolete provisions and reserves to the Board of Natural Resources authority to regulate salt-water fisheries in accordance with law and wildlife management principles.

The Act amends O.C.G.A. Sections 27-1-39, 27-4-5, 27-4-7, 27-4-10, 27-4-12, 27-4-34, 27-4-50, 27-4-71, 27-4-91, 27-4-118, 27-4-130, 27-4-132, 27-4-133, 27-4-137, 27-4-171, 27-4-190, 27-4-194, 52-7-26, and 52-7-51; enacts O.C.G.A. Section 27-2-20.1; and repeals O.C.G.A. Sections 27-4-35, 27-4-72, 27-4-112 through 27-4-115, 27-4-130.1, 27-4-130.2, 27-4-131, 27-4-170, and 27-4-172.

Effective on January 1, 2013; however, Sections 1, 29, and 30 shall become effective May 1, 2012.

Act 706; SB 309

This Act authorizes the commissioner of natural resources to issue special hunting privileges to certain individuals no older than 21 years of age who have been diagnosed with a terminal illness.

The Act enacts O.C.G.A. Section 27-2-4.3.

Effective July 1, 2012.

Act 712; SB 464

This Act creates a one-day salt-water shore fishing license for \$5.00. The Act also restricts the number of new commercial crabbing licenses issued, provides for the disposition of current commercial crabbing licenses, and imposes a penalty for violation of certain provisions relating to the use of commercial crab traps.

TITLE 27 (continued)

The Act amends O.C.G.A. Sections 27-2-23, 27-4-150, and 27-4-151.
Effective July 1, 2012.

**TITLE 28
GENERAL ASSEMBLY**

Act 701; HB 1178

This Act provides that fiscal notes for the introduction of bills having a significant impact upon anticipated revenues or expenditures of the Department of Education which would create a new program or funding category include a ten-year projection of costs.

The Act amends O.C.G.A. Section 28-5-42.
Effective July 1, 2012.

Act 568; SB 430

This Act revises the boundaries of state Senate Districts 5, 7, 12, 13, 23, 24, and 48.

The Act amends Ga. L. 2011, Ex. Sess., p. 139.

Effective upon preclearance pursuant to Section 5 of the federal Voting Rights Act of 1965 if such preclearance is received before qualifying for the 2012 general primary. If preclearance is not received prior to the qualifying date for the 2012 general primary, the Act shall become effective on January 1, 2014, so long as required preclearance is obtained.

Act 277; HB 829

This Act revises the boundaries of state House Districts 9, 10, 18, 24, 26, 27, 28, 29, 30, 68, 98, 103, 104, 155, and 169.

The Act amends Ga. L. 2011, Ex. Sess., p. 3.

Effective upon preclearance pursuant to Section 5 of the federal Voting Rights Act of 1965 if such preclearance is received before qualifying for the 2012 general primary. If preclearance is not received prior to the qualifying date for the 2012 general primary, the Act shall become effective on January 1, 2014, so long as required preclearance is obtained.

**TITLE 29
GUARDIAN AND WARD**

Act 580; HB 247

This Act requires that individuals seeking to become guardians or conservators submit to a criminal history background check. The Act provides for certification revocation when a firefighter is convicted of a felony, provides for liability immunity when persons act in good faith in accordance with a Physician Order for Life-sustaining Treatment, and provides that the Department of Public Health shall accept criminal history background checks from state and local law enforcement agencies.

The Act enacts O.C.G.A. Section 29-9-19 and amends O.C.G.A. Sections 25-4-8, 29-4-18, and 31-11-15.

Effective July 1, 2012.

**TITLE 31
HEALTH**

Act 617; HB 1110

This Act makes unlawful the neglect of a disabled adult or elder person by a guardian or other care taker. The Act makes a second conviction of operating an unlicensed personal care home a felony.

TITLE 31 (continued)

The Act removes certain exemptions from regulations governing personal care homes. The Act adds offenses to background checks for owners, directors, and employees of personal care homes. The Act authorizes the Georgia Bureau of Investigation to investigate reports of elder abuse.

The Act amends O.C.G.A. Sections 30-5-8, 31-2-9, 31-7-12.1, 31-7-250, and 35-3-4.
Effective July 1, 2012.

Act 611; SB 361

This Act expands provisions relative to the accreditation of health care facilities so as to recognize additional nationally recognized health care accreditation bodies.

The Act amends O.C.G.A. Sections 31-6-47, 31-7-3, 31-7-131, 31-7-133, 31-7-282, 31-11-113, 31-20-1, 31-20-3, and 43-11-21.1.
Effective July 1, 2012.

Act 757; SB 489

This Act requires the Georgia Trauma Care Network Commission to report annually to the House Committee on Health and Human Services and the Senate Health and Human Services Committee providing an update on the development of state-wide trauma system development.

The Act amends O.C.G.A. Section 31-11-103.
Effective July 1, 2012.

Act 749; SB 407

This Act repeals the creation of the Health Strategies Council and the Clinical Laboratory, Blood Bank, and Tissue Bank Committee.

The Act amends O.C.G.A. Section 31-22-6 and repeals O.C.G.A. Sections 31-6-20 and 31-22-3.
Effective July 1, 2012.

TITLE 32 HIGHWAYS, BRIDGES, AND FERRIES

Act 773; HB 817

This Act provides for contract amount limits and procedures for certain contracts of the Department of Transportation. The Act provides for department authority and procedure for the closure of roads within the state highway system due to inclement weather conditions or the limiting of access to such roads to vehicles with certain capabilities. The Act expands the criteria for roads that fall within classification of the state highway system and amends procedure for the designation of county truck routes.

The Act amends O.C.G.A. Sections 32-2-61, 32-2-64, 32-2-69, 32-2-81, 32-4-20, 32-6-5, 32-6-26, 32-6-50, and 32-9-2.
Effective July 1, 2012.

Act 672; HB 835

This Act provides for an annual commercial wrecker emergency tow permit for vehicles towing disabled, damaged, or wrecked commercial vehicles that meet certain weight and length criteria.

The Act amends O.C.G.A. Section 32-6-28.
Effective May 1, 2012.

Veto No. 6; HB 1051

This Act provides for the contingent repeal of Code Sections 32-9-13 and 32-9-14, relating to the suspension of restrictions on the use of annual proceeds from sales and use taxes by public transit authorities and the board of directors of the Metropolitan Atlanta Rapid Transit Authority.

TITLE 32 (continued)

Effective only upon the passage of an Act providing for the suspension of restrictions on the use of annual proceeds from sales and use taxes by public transit authorities and the board of directors of the Metropolitan Atlanta Rapid Transit Authority during the 2012 regular session of the General Assembly. Such an Act was not passed, therefore this Act will not become effective.

TITLE 33 INSURANCE

Act 614; HB 785

This Act provides for limitations on licensure requirements for certain health care providers by prohibiting the conditioning on state licensure requirements for physicians and dentists in this state upon or related to participation in any public or private health insurance plan, public health care system, public service initiative, or emergency room coverage.

The Act enacts O.C.G.A. Sections 33-1-22.

Effective July 1, 2012.

Act 776; HB 1067

This Act provides for the comprehensive revision of provisions regarding the issuance and regulation of limited licenses to sell portable electronics insurance. The Act changes requirements for certain resident independent adjusters and adds requirements to nonresident independent adjusters. The Act also corrects language relating to exhaustion of rights by claimants against insolvent insurers to provide for statutory consistency. The Act further exempts certain retail installment sellers from reinsurance requirements relating to vehicle service agreements or extended warranty agreements and from requirements to insure its guaranteed asset protection waiver obligations under a contractual liability policy. The Act further provides that in the event of a dispute or complaint wherein an insurer provided any material in a language other than English, the English language version of the policy controls the resolution of such dispute. The bill also defines commercial use applications and multiple award schedule contracts as these terms relate to state purchasing through competitive bidding.

The Act enacts O.C.G.A. Section 33-1-22 and amends O.C.G.A. Sections, 33-7-6, 33-23-1, 33-23-5, 33-23-12, 33-23-16, 33-23-29, 33-36-14, 33-63-4, and 50-5-67.

Effective July 1, 2012.

Act 746; SB 385

This Act provides for the confidential treatment and disclosure of financial or market conduct of a company's documents provided to the Commissioner. This Act further provides for the payment of insurance premium taxes in the event this state participates in a cooperative agreement, compact, or reciprocal agreement with other states. The Act also provides for certain allowances for credit for reinsurance and when such credit shall not be permitted. The Act also provides for reinsurers' certification.

The Act amends O.C.G.A. Section 33-2-14, 33-5-31, 33-5-33, 33-5-41, 33-7-14, and 33-24-45.

Effective July 1, 2012.

Act 734; SB 331

This Act provides for the issuance of closing protection letters, definitions, premiums, reserves, and authorizes the Commissioner of Insurance to promulgate rules and regulations.

The Act amends O.C.G.A. Section 33-3-4 and enacts 33-7-8.1.

Effective May 2, 2012.

Act 727; SB 203

This Act updates this state's domestic farmers' mutual fire insurance companies law. The Act provides for comprehensive revision for provisions regarding the issuance and regulation of limited

TITLE 33 (continued)

licenses to sell portable electronics insurance. The Act further provides for changes to license requirements for certain resident independent adjusters and add license requirements for certain nonresident independent adjusters.

The Act amends O.C.G.A. Chapter 16 of Title 33, Sections 33-23-1, 33-23-5, 33-23-12, 33-23-16, and 33-23-29.

Effective July 1, 2012.

Act 419; HB 477

This Act revises provisions for the transition from an annual renewal to a biennial renewal of agents, agencies, subagents, counselors, and adjusters licenses.

The Act amends O.C.G.A. Sections 33-23-3, 33-23-18, and 33-23-37.

Effective July 1, 2012.

Act 678; HB 463

This Act provides for the sale of individual insurance coverage by limited licensees on personal property stored in self-service storage facilities.

The Act enacts O.C.G.A. Section 33-23-12.

Effective July 1, 2012.

Act 736; SB 337

This Act provides for exemptions to unfair trade practices for certain wellness and health improvement programs and incentives to include credits and life insurance.

The Act amends O.C.G.A. Section 33-24-59.13.

Effective July 1, 2012.

Act 634; HB 1166

This Act provides for individual health insurance coverage to children through child-only health policies. The Act establishes a mandatory, uniform open enrollment period, definitions, special enrollment periods for loss of coverage because of a qualifying event, and provides for an automatic repealer.

The Act enacts O.C.G.A. Chapter 29B of Title 33.

Effective January 1, 2013.

Act 668; HB 786

This Act provides for comprehensive revisions to the Georgia Life and Health Insurance Guaranty Association. The Act further provides that until such time as the consumers' insurance advocate is appropriately funded, it shall not be necessary to file copies of insurance rate filings with the consumers' insurance advocate.

The Act amends O.C.G.A. Chapter 38 of Title 33 and Section 33-57-5.

Effective July 1, 2012.

Act 751; SB 416

This Act authorizes the Department of Insurance to develop exchange standards regarding electronic prior authorization drug requests with health care providers.

The Act enacts 33-64-8.

Effective July 1, 2012.

**TITLE 34
LABOR AND INDUSTRIAL RELATIONS**

Act 710; HB 347

This Act raises the amount for consideration of taxable wages. The Act modifies provisions relating to the State-wide Reserve Ratio to suspend overall increases in the tax rate on employers except where the ratio falls below certain levels. This Act also modifies provisions relating to the determination of weekly unemployment benefit amounts.

The Act amends O.C.G.A. Sections 34-8-49, 34-8-156, and 34-8-193.

Effective May 2, 2012, except that provisions relating to the compensation amounts for unemployment benefits are effective July 1, 2012.

Act 659; HB 548

This Act excludes persons who are parties to a franchise agreement from the definition of employee for purposes related to workers' compensation benefits.

The Act amends O.C.G.A. Section 34-9-1.

Effective July 1, 2012.

Act 688; HB 971

This Act allows the Workers' Compensation Board to waive financial penalties for an employer's inability to pay income benefits due to conditions beyond the control of the employer. The Act modifies provisions relating to the representation of a minor or legally incompetent person before the Workers' Compensation Board. The Act also modifies provisions relating to the recovery of workers' compensation benefits for hearing loss.

The Act amends O.C.G.A. Sections 34-9-15, 34-9-221, 34-9-226, and 34-9-264.

Effective July 1, 2012.

Act 677; HB 897

This Act repeals the Georgia Work Ready program and the use of the Governor's discretionary funds for related purposes. The Act authorizes the Georgia Workforce Investment Board to adopt rules and regulations.

The Act amends O.C.G.A. Sections 34-14-1, 34-14-2, and 34-14-3, and repeals O.C.G.A. Sections 34-14-4 and 34-14-5.

Effective July 1, 2012.

**TITLE 35
LAW ENFORCEMENT OFFICERS AND AGENCIES**

Act 259; HB 253

This Act authorizes the commissioner of the Department of Public Safety to sell or trade surplus motor vehicles and use the proceeds of the sale or trade toward the purchase of new motor vehicles.

The Act amends O.C.G.A. Section 35-2-57 and enacts O.C.G.A. Section 35-2-58.

Effective January 24, 2012.

Act 715; HB 895

This Act requires the Georgia Bureau of Investigation to acquire, collect, analyze, and provide information to and for the Sexual Offender Registration Review Board. The Act also transfers certain personnel and equipment from the Sexual Offender Registration Review Board to the Georgia Bureau of Investigation.

The Act enacts O.C.G.A. Section 35-3-4 and amends O.C.G.A. Sections 42-1-13 and 42-1-14.

Effective July 1, 2012.

**TITLE 36
LOCAL GOVERNMENT**

Act 691; HB 990

This Act changes certain provisions relating to municipal control over parks and fire stations. The Act revises the definitions of the terms "county," "fire station," and "park" in O.C.G.A. Section 36-31-11.1. The Act also changes certain provisions relating to special districts divided into noncontiguous areas, information required in audits, informational summary, and effect of creation of municipal corporation and distribution of excess proceeds from special district taxes, fees, and assessments. The Act is not to be applied to impair any obligation of contract entered into prior to the date the Act becomes effective.

The Act amends O.C.G.A. Sections 36-31-11.1 and 36-31-12.
Effective May 1, 2012.

Act 741; SB 351

This Act requires the same training for all judges of courts exercising municipal court jurisdiction. The Act changes certain provisions relating to mandatory training of municipal court judges and requires 20 hours of training within one year after election or appointment as a judge of a court exercising municipal court jurisdiction. The Act sets forth certain exceptions to such training requirements.

The Act amends O.C.G.A. Sections 36-32-11 and 36-32-27.
Effective July 1, 2012.

Act 616; HB 1089

This Act repeals and reserves Chapter 67 of Title 36 of the O.C.G.A., relating to zoning proposal review procedures.

The Act repeals Chapter 67 of Title 36 of the O.C.G.A.
Effective April 19, 2012.

Act 596; HB 93

This Act changes certain provisions relating to local government code enforcement boards created on or after January 1, 2003. The Act changes the term "code inspector" to "code enforcement officer" throughout Article 2 of Chapter 74 of Title 36 of the O.C.G.A. and revises the definition of such term.

The Act amends O.C.G.A. Sections 36-74-21, 36-74-23, 36-74-24, 36-74-26, 36-74-29, and 36-74-30.
Effective July 1, 2012.

Veto No. 7; HB 1117

This Act changes the population bracket and census dates relating to elections for approval of bonded debt. The Act provides, except in certain circumstances, that in all counties having a population of 90,000 or more according to the United States decennial census of 2010 or any future such census, no county-wide bond election or school bond election in the unincorporated area of any such county shall be held on any date other than the date of the November general election.

The Act provides that O.C.G.A. Section 45-8-12, relating to the deposit of public funds in banks or depositories, does not apply to public funds of a hospital authority created pursuant to Article 4 of Chapter 7 of Title 31 of the O.C.G.A.

The Act amends O.C.G.A. Sections 36-82-1 and 45-8-12.

Act 556; SB 113

This Act amends the definition of "public works construction" as such term is used in Chapter 91 of Title 36 of the O.C.G.A., relating to general provisions applicable to public works bidding, so as to exclude projects covered by Chapter 37 of Title 40 of the O.C.G.A., relating to guaranteed energy

TITLE 36 (continued)

savings performance contracts, and any energy savings performance contract or any improvements or installations performed as part of an energy savings performance contract.

The Act changes certain provisions relating to guaranteed energy savings performance contracts provisions and to government units entering into such contracts. The Act also changes certain provisions relating to the review of capital improvement projects.

The Act amends O.C.G.A. Sections 36-91-2, 50-37-2, 50-37-3, 50-37-4, and 50-37-6.
Effective April 12, 2012.

TITLE 38

MILITARY, EMERGENCY MANAGEMENT, AND VETERANS AFFAIRS

Act 658; HB 535

This Act authorizes the Veterans Service Board to charge reasonable fees for residency in and services provided by a facility of the Georgia State War Veterans' Home.

The Act enacts O.C.G.A. Section 38-4-56.
Effective May 1, 2012.

Act 533; HB 800

This Act changes the qualifications for the position of assistant adjutant general so as to include persons previously serving with any component of the Army or Air Force and removes the five-year service requirement.

The Act amends O.C.G.A. Section 38-2-152.
Effective April 11, 2012.

TITLE 40

MOTOR VEHICLES AND TRAFFIC

Act 669; HB 795

This Act updates definitions for different sizes of "all-terrain vehicles" and "recreational off-highway vehicles" consistent with current manufacturing standards.

The Act amends O.C.G.A. Sections 40-1-1, 40-7-3, and 40-8-91.1.
Effective May 1, 2012.

Act 632; HB 865

This Act enacts the "Georgia Motor Common Carrier Act of 2012" and transfers the function of regulating motor carriers and limousine carriers from the Georgia Public Service Commission to the Georgia Department of Public Safety. The Act provides for the mandatory electronic delivery of notices of recordings of security interests and liens not later than January 1, 2013. The Act provides for chauffeur endorsements to be placed on driver's licenses rather than the issuance of a separate licensing card.

The Act amends O.C.G.A. Sections 20-1-10, 27-5-4, 34-8-35, 35-2-100, 35-2-101, 35-2-102, 40-2-1, 40-2-162, 40-3-26, 40-6-248.1, 40-16-2, 44-1-13, 44-7-59, 46-1-1, 46-3-38, 48-8-3, 48-8-93, 48-8-107, 48-8-117, 48-8-208, 48-8-253, 48-13-16, 48-13-18, 50-32-71, and enacts O.C.G.A. Sections 40-1-50 through 40-1-57, 40-1-100 through 40-1-130, and 40-1-150 through 40-1-170, and 40-5-39, and repeals 46-7-1 through 46-7-39, 46-7-85.1 through 46-7-85.21, 46-7-90 through 46-7-92, and 40-9-6.

Effective July 1, 2012.

Act 689; HB 985

This Act provides for the extension of the expiration date of a temporary license plate upon application of the dealer, purchaser, or transferee for certain purposes. The Act modifies the way

TITLE 40 (continued)

disability parking permits shall be made. The Act authorizes the release of certain information maintained by the Department of Driver Services to the Department of Revenue for the purposes of detecting and preventing fraudulent tax returns.

The Act amends O.C.G.A. Section 40-2-8, 40-2-20, 40-2-74.1, and 40-5-2.
Effective July 1, 2012.

Act 594; HB 732

This Act provides for various changes in provisions relating to motor vehicle license plates. The Act provides for temporary plates to be issued for trailers under the same provisions and conditions authorizing temporary plates for motor vehicles. The Act provides for the issuance of specialty license plates free of charge to persons currently serving in the United States armed forces. The Act requires the International Symbol of Access to be placed on license plates for disabled persons. The Act authorizes the receipt of specialty license plates free of charge for persons receiving certain medals of honor or similar awards and persons who have served in active military combat. The Act provides for special license plates to support prostate cancer awareness and research programs, lung cancer awareness and research programs, and certain programs to support, advance, and promote Georgia nurses and the nursing profession.

The Act amends O.C.G.A. Sections 40-2-38.1, 40-2-70, 40-2-71, 40-2-84, 40-2-85.1, 40-2-86, and 40-2-86.1.

Effective July 1, 2012.

Act 584; HB 900

This Act provides for the cancellation of a certificate of title for scrap metal, dismantled, or demolished trailers in the same manner as certificate of titles may be cancelled for motor vehicles for such purposes.

The Act amends O.C.G.A. Section 40-3-36.

Effective July 1, 2012.

Act 670; HB 827

This Act modifies provisions relating to fleeing and eluding a law enforcement officer so as to remove ambiguity and make it easier to prosecute such offenses as a felony under certain circumstances without establishing an underlying criminal offense.

The Act amends O.C.G.A. Section 40-6-395.

Effective July 1, 2012.

Act 579; SB 236

This Act requires the Department of Driver Services to make available as a part of a student alcohol and drug course a voluntary parent or guardian participation component. A participant in the voluntary parent or guardian alcohol and drug course shall be entitled to a motor vehicle report. The Act modifies provisions relating to punishment, the suspension of drivers' licenses, and clinical evaluations and treatment of persons under the age of 21 for serious driving offenses. The Act provides courts with greater discretion in the use of ignition interlock devices, limited driving permits, and probationary licenses for a person convicted of a second offense of driving under the influence of drugs or alcohol.

The Act amends O.C.G.A. Sections 20-2-142, 40-5-25, 40-5-57.1, 40-5-57-63.1, 40-5-64, 42-8-111, 42-8-112, 42-8-113, and 42-8-117.

Effective January 1, 2013.

Act 730; SB 293

This Act provides for the "In God We Trust" license plate decal to be provided free of charge. The Act provides that a county tag agent shall offer both a county decal and the "In God We Trust" decal upon the issuance of a new license plate and allow the recipient to choose which decal he or she wants to display on the license plate.

TITLE 40 (continued)

The Act amends O.C.G.A. Sections 40-2-9, 40-2-31, and 40-2-60.1.
Effective July 1, 2012, and apply to license plates issued on or after such date.

Act 588; SB 473

This Act clarifies that for purposes of obtaining a special vehicle license plate for the receipt of the Purple Heart citation, the term 'veteran' includes members of the armed forces or reserves who are on active duty.

The Act amends O.C.G.A. Section 40-2-84.
Effective July 1, 2010.

**TITLE 42
PENAL INSTITUTIONS**

Act 598; SB 231

This Act prohibits first offender treatment for certain crimes committed against a law enforcement officer while the officer is engaged in the performance of his or her official duties.

The Act amends O.C.G.A. Section 42-8-60.
Effective April 16, 2012.

**TITLE 43
PROFESSIONS AND BUSINESSES**

Veto No. 2; SB 470

This Act revises the definition of "rural area" as that term is used throughout Chapter 1B of Title 43 of the O.C.G.A., relating to patient self-referral.

The Act amends O.C.G.A. Section 43-1B-3.

Act 613; HB 434

This Act amends the definition of "social work" as such term is used throughout Chapter 10A of Title 43 of the O.C.G.A. The Act revises certain provisions relating to requirements for licensure in social work.

The Act amends O.C.G.A. Sections 43-10A-3 and 43-10A-12.
Effective July 1, 2012.

Act 737; SB 338

This Act changes certain provisions relating to the practice of dentistry and dental hygiene. The Act revises certain provisions relating to the education requirements for applicants for a license to practice dentistry. The Act amends the "Georgia Volunteers in Dentistry and Dental Hygiene Act," O.C.G.A. Section 43-11-52, so as to provide for special licenses for dentists and dental hygienists licensed in other jurisdictions.

The Act amends O.C.G.A. Sections 43-11-40 and 43-11-52.
Effective July 1, 2012.

Act 704; SB 372

This Act enacts the "Disposition of Veterans' Cremated Remains Act." The Act requires funeral directors to make a reasonable effort to determine whether any dead body submitted for final disposition by cremation is that of a deceased veteran and to make certain inquiries and notifications at the time that the cremation authorization form is signed. The Act permits under certain circumstances any veterans' organization access to all legally available information in order to

TITLE 43 (continued)

determine whether the deceased is a veteran. The Act extends immunity from criminal and civil liability to funeral directors and veterans' organizations under certain circumstances.

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

Effective May 1, 2012.

Act 705; SB 414

This Act provides for the licensure of music therapists by the Secretary of State. The Act provides for definitions and for the establishment, appointment, and membership of the music therapy advisory group. The Act also provides for licensure application, qualifications, and renewal. The Act further provides for disciplinary actions and applicability of the Georgia Administrative Procedure Act.

The Act enacts O.C.G.A. Chapter 25A of Title 43.

Effective July 1, 2012.

Act 744; SB 365

This Act changes certain provisions relating to real estate and real estate professionals. The Act revises the definitions of "appraisal management company" and "relocation company" as such terms are used throughout Chapter 39A of Title 43 of the O.C.G.A., relating to real estate appraisers. The Act changes certain provisions as to real estate appraisers including discipline, sanctions, citations, and revocation of licenses. The Act provides for a letter of findings to be issued by the Georgia Real Estate Appraisers Board and the Georgia Real Estate Commission. The Act also changes certain provisions as to brokers, associate brokers, and salespersons including qualifications and the grant, discipline, sanctions, revocation, and suspension of licenses. The Act revises provisions relating to the real estate education, research, and recovery fund and to the commission's right to intervene in and object to certain claims.

The Act revises the definition of "settlement agent" as such term is used in O.C.G.A. Section 44-14-13, relating to disbursement of settlement proceeds relative to transactions involving certain purchase money loans. The Act changes provisions relating to the applicability of such O.C.G.A. Section and the availability of damages for violating it. The Act also provides for criminal penalties.

The Act amends O.C.G.A. Sections 43-39A-2, 43-39A-3, 43-39A-14, 43-39A-18, 43-39A-18.1, 43-40-2, 43-40-8, 43-40-15, 43-40-22, 43-40-25, 43-40-25.2, and 44-14-13.

Effective July 1, 2012.

Act 724; SB 143

This Act changes various provisions relating to massage therapists. The Act requires applicants for a license as a massage therapist and for a license by endorsement for massage therapy practice to consent to a criminal background check. The Act changes certain provisions relating to provisional permits.

The Act amends O.C.G.A. Sections 43-24A-8, 43-24A-9, and 43-24A-13.

Effective May 2, 2012.

Act 276; HB 675

This Act revises the definition of "approved nursing education program" for registered professional nurses and for licensed practical nurses.

The Act amends O.C.G.A. Sections 43-26-3 and 43-26-32.

Effective February 16, 2012.

Act 654; HB 409

This Act changes certain provisions relating to the application for a license to practice veterinary medicine. The Act permits the State Board of Veterinary Medicine to provide for a waiver of any part of the examination applicants for a license to practice veterinary medicine are required to pass. The Act revises certain provisions relating to the scheduling and administration of examinations for veterinary technicians.

TITLE 43 (continued)

The Act amends O.C.G.A. Sections 43-50-31, 43-50-32, and 43-50-53.
Effective July 1, 2012.

Act 633; SB 324

This Act provides that Article 3 of Chapter 50 of Title 43 of the O.C.G.A., relating to licensing and registration relative to veterinarians and veterinary technicians, shall not be construed to prohibit any person lawfully engaged in the art or profession of farriery.

The Act amends O.C.G.A. Section 43-50-44.
Effective July 1, 2012.

**TITLE 44
PROPERTY**

Act 723; SB 136

This Act provides for the transfer of control of a condominium association from a declarant to any owner when the declarant fails to take certain actions.

The Act amends O.C.G.A. Section 44-3-101.
Effective July 1, 2012.

Act 663; HB 728

This Act provides for the treatment of covenants running with the land that were created prior to the adoption of zoning ordinances by a county or municipality.

The Act amends O.C.G.A. Section 44-5-60.
Effective July 1, 2012.

Act 585; HB 744

This Act enacts the "Uniform Partition of Heirs Property Act."

The Act enacts O.C.G.A. Sections 44-6-180 through 44-6-189.1 and amends O.C.G.A. Section 24-7-706.

Effective January 1, 2013.

Act 722; SB 117

This Act amends the exemption amounts permitted for the levy and sale of property and bankruptcy and intestate insolvent estates.

The Act amends O.C.G.A. Sections 44-13-1 and 44-13-100.
Effective May 2, 2012.

Act 644; HB 110

This Act provides for criteria, fees, and procedures for vacant or foreclosed real property registries that are established by a county or municipal corporation.

The Act enacts O.C.G.A. Section 44-14-14.
Effective July 1, 2012.

Act 735; SB 333

This Act provides that notices of sales made on foreclosure under power of sale shall be provided to all debtors.

The Act amends O.C.G.A. Sections 44-14-162.3 and 44-14-162.4.
Effective July 1, 2012.

**TITLE 45
PUBLIC OFFICERS AND EMPLOYEES**

Act 666; HB 766

This Act extends the locations in which the Foundations of American Law and Governments displays may be posted.

The Act amends O.C.G.A. Section 45-13-51.

Effective July 1, 2012.

Act 630; HB 642

This Act abolishes the State Personnel Administration, transfers certain functions to the Department of Administrative Services and the commissioner of administrative services, and provides for the transfer of personnel, facilities, equipment, and appropriations.

The Act amends O.C.G.A. Title 45, Chapter 20, and O.C.G.A. Sections 1-4-1, 2-2-4, 7-1-35, 12-2-6, 12-3-536, 12-4-1, 12-6-5, 12-11-5, 15-5-6, 15-6-27, 15-6-88, 15-9-63, 15-9-63.1, 15-10-23, 15-11-24.3, 15-16-20, 15-18-19, 17-12-25, 17-12-27, 17-12-30, 20-1A-3, 20-1A-8, 20-2-302, 20-3-39, 20-3-250.24, 20-3-329, 20-4-12, 20-4-17, 20-4-27, 20-4-30, 21-5-30.2, 27-1-16, 31-2-5, 31-2A-3, 31-3-11, 31-3-15, 31-7-17, 31-7-159, 31-7-265, 31-7-308, 31-10-4, 31-29-6, 34-9-52, 34-9-355, 34-15-2, 35-1-6, 35-2-46, 35-2-47, 35-2-74, 35-3-6, 35-3-9, 35-3-11, 35-3-31, 35-3-81, 36-5-28, 37-1-5, 37-1-21, 37-2-6.1, 37-2-6.2, 38-2-132, 38-4-9, 40-15-4, 42-8-26, 43-1-2, 43-40-4, 45-1-4, 45-2-41, 45-2-44, 45-7-4, 45-7-54, 45-10-20, 45-10-27, 45-12-72, 45-15-30, 45-16-11, 45-18-50, 45-18-51, 45-18-55, 45-18-70, 45-18-72, 45-19-22, 45-21-1, 45-23-3, 45-23-4, 45-23-7, 45-23-8, 46-2-42, 48-2-5, 48-2-6, 48-5-183, 48-5-263, 48-5-267, 49-1-5, 49-2-2.1, 49-3-4, 49-3-7, 49-4A-5, 49-5-6, 50-5-53, 50-5B-2, 50-8-6, 50-8-17, 50-8-142, 50-12-71, 50-13-2, 50-13-40, 50-13-44, 50-18-93, 50-25-5.1, 50-26-22, and 50-34-18.

Effective July 1, 2012.

Act 716; SB 33

This Act provides for the application of zero-base budgeting to the budget process.

The Act enacts O.C.G.A. Section 45-12-75.1.

Effective May 2, 2012.

**TITLE 46
PUBLIC UTILITIES AND PUBLIC TRANSPORTATION**

Act 641; SB 382

This Act changes the description of the election districts for members of the Public Service Commission. The Act provides for continuation in office of the current members of the commission.

The Act amends O.C.G.A. Section 46-2-1.

Effective May 1, 2012.

Act 756; SB 483

This Act changes the term and manner of the election of the chairperson of the Public Service Commission. The Act provides that the chairperson shall be selected by a simple majority of the members of the commission and that no commissioner shall be elected or serve as chairperson for more than two consecutive terms. The Act also provides that the chairperson currently serving on the effective date of this Code section shall serve for a term of office as chairperson until January 1, 2013, or until his or her term as a member of the commission shall expire, whichever is shorter. The Act establishes that each subsequent chairperson shall serve for a two-year term of office as chairperson.

The Act permits any four members of the commission to call for an election of a chairperson at any time prior to the end of the term of a chairperson but limits such election to twice a calendar year, except in the case of a vacancy by the chairperson.

TITLE 46 (continued)

The Act amends O.C.G.A. Section 46-2-5.
Effective December 31, 2012.

Act 696; HB 1049

This Act amends the "Georgia Emergency Telephone Number 9-1-1 Service Act of 1977," so as to change its applicability and requirements. The Act revises the definition of the term "prepaid wireless service." The Act prohibits a wireless service supplier from recovering certain costs with respect to any prepaid wireless services. The Act also provides that if a minimal amount of prepaid wireless service is separately priced and sold as part of a single retail transaction that does not contain a prepaid wireless device or another prepaid wireless service, then the seller may elect not to apply the specified prepaid wireless 9-1-1 charge to such transaction.

The Act requires Voice over Internet Protocol service suppliers to register and update the same information with the director of emergency management that service suppliers are required to register and update. The Act provides that the director is to send a notice of delinquency to any Voice over Internet Protocol service suppliers in the same manner as is currently required for service suppliers.

The Act amends O.C.G.A. Sections 46-5-122, 46-5-124.1, 46-5-134, and 46-5-134.2.
Effective July 1, 2012.

Act 651; HB 332

This Act prohibits a local exchange company or other company from establishing a surcharge on customers' bills to collect contributions to the Universal Access Fund without submitting to the Public Service Commission the methodology and data used by such company for approval by the commission and demonstrating to the commission that the surcharge does not result in an increase in the company's service rates. The Act provides that a local exchange company or other company is not required to submit for approval by the commission separate line items or surcharges that are specifically authorized or required by federal law or other provisions of state law.

The Act amends O.C.G.A. Section 46-5-167.
Effective January 1, 2013.

Act 667; HB 769

This Act provides that, until such time as the consumer's utility counsel division of the Governor's Office of Consumer Affairs is specifically funded by the General Assembly in an appropriations Act and such funds are available for expenditure, the filings required to be made with the director of such division pursuant to O.C.G.A. Section 46-10-5(a) shall not be required or made.

The Act amends O.C.G.A. Section 46-10-5.
Effective May 1, 2012.

Act 700; HB 1115

This Act deletes references to the jurisdiction of and regulation by the Public Service Commission and other requirements relating to telegraph services in this state, including but not limited to the submission of tariff reports to the General Assembly.

The Act removes the requirement that a telecommunications utility or telecommunications company submit to the commission for review the method by which such utility or company is to provide access to a live operator.

The Act provides that the obligation of a company electing alternative regulation to not refuse any reasonable application for basic local exchange service shall not apply to a telephone company that has elected alternative regulation pursuant to O.C.G.A. Section 46-5-165 and does not receive distributions from the Universal Access Fund as provided for in O.C.G.A. Section 46-5-167.

The Act amends O.C.G.A. Sections 14-4-2, 36-34-2, 46-2-20, 46-2-23, 46-5-1, 46-5-2, 46-5-26, 46-5-41, and 50-16-42, and repeals O.C.G.A. Sections 46-2-22 and 46-5-46 and Article 3 of Chapter 5 of Title 46.

Effective July 1, 2012.

**TITLE 47
RETIREMENT**

Act 629; HB 805

This Act makes technical changes throughout O.C.G.A. Title 47 made necessary by the abolition of the State Personnel Administration and the transfer of functions to the Department of Administrative Services.

The Act amends O.C.G.A. Title 47.
Effective July 1, 2012.

Act 650; HB 297

This Act provides that no public retirement system shall have an insurable interest in an active or retired member and may not purchase life insurance on such persons except where benefits are paid to the members or their beneficiaries.

The Act enacts O.C.G.A. Section 47-1-16.
Effective May 1, 2012.

Act 729; SB 286

This Act provides a formula for transfers of membership and benefits between the Georgia State Employees' Pension and Savings Plan and the Teachers Retirement System of Georgia. The Act provides that tax collectors, tax commissioners, and tax receivers and their employees taking office on or after July 1, 2012, shall not become members of the Employees' Retirement System of Georgia unless the county agrees to pay the employer contribution to such retirement system for such persons.

The Act amends O.C.G.A. Sections 47-2-181, 47-2-292, and 47-3-81 and enacts O.C.G.A. Section 47-2-292.1.

Effective July 1, 2012.

Act 685; HB 944

This Act corrects a cross-reference as a part of the annual Code revision legislation.

The Act amends O.C.G.A. Section 47-2-316.
Effective May 1, 2012.

Act 647; HB 208

This Act changes the termination date for authority for retired members of the Teachers Retirement System of Georgia to pursue full-time employment and receive a full retirement benefit from June 30, 2016, to June 30, 2013.

The Act amends O.C.G.A. Section 47-3-127.1.
Effective July 1, 2012.

Act 763; SB 246

This Act provides for an increase in employee contribution to the Public School Employees Retirement System for new members. The Act provides for an increase in the benefit for such persons.

The Act amends O.C.G.A. Sections 47-4-60 and 47-4-101.
Effective July 1, 2012.

Act 646; HB 183

This Act provides that any person elected or reelected to the General Assembly may elect to become a member of the Georgia Legislative Retirement System within two months of the beginning of the term of office. The Act provides that persons serving as members of the General Assembly on July 1, 2012, and who previously rejected membership in such retirement system may

TITLE 47 (continued)

elect membership and obtain prior service credit. The Act requires any public employer which employs a retired plan member to notify the board of trustees of such employment.

The Act amends O.C.G.A. Sections 47-6-1, 47-6-40, and 47-6-84.
Effective July 1, 2012.

Act 653; HB 351

This Act increases the portion of revenues collected from fines and fees in the probate courts which is paid to the Judges of the Probate Courts Retirement Fund of Georgia.

The Act amends O.C.G.A. Section 47-11-51.
Effective July 1, 2012.

Act 652; HB 337

This Act provides that a retired member of the Sheriffs' Retirement Fund of Georgia who has elected a surviving spouse's option and who becomes divorced may elect to continue such coverage or to terminate such coverage. In the event of termination of coverage, the retired member shall begin receiving an increased benefit as if he or she had not elected surviving spouse's coverage.

The Act amends O.C.G.A. Section 47-16-101.
Effective July 1, 2012.

Act 681; HB 928

This Act authorizes the Board of Trustees of the Peace Officers' Annuity and Benefit Fund to employ an administrative hearing officer to hear contested cases and make recommendation to the board. The Act expands the resolution of disputes through the use of a hearing officer beyond the current practice in disputed disability cases to include any contested case.

The Act amends O.C.G.A. Section 47-17-81 and enacts O.C.G.A. Section 47-17-27.
Effective May 1, 2012.

Act 690; HB 987

This Act provides that a member of the Peace Officers' Annuity and Benefit Fund who ceases to be employed as a peace officer eligible for membership in such fund shall notify the board of trustees immediately. The Act provides that in such case, the member's participation in the fund ceases immediately.

The Act enacts O.C.G.A. Section 47-17-105.
Effective July 1, 2012.

Act 603; SB 402

This Act authorizes the boards of trustees of the Employees' Retirement System of Georgia and other large public retirement systems to invest funds in alternative investments in addition to traditional investments. The Act provides for the publication of the performance of such investments. The Act expressly excludes the Teachers Retirement System of Georgia from applicability of the Act.

The Act amends O.C.G.A. Sections 47-20-82 and 50-18-72 and enacts O.C.G.A. Section 47-20-87.

Effective July 1, 2012.

Act 649; HB 250

This Act provides that if a retired member of the Georgia Judicial Retirement System dies before his or her benefits equal the total of his or her contributions to the system, the balance shall be paid to his or her estate. The Act provides a different surviving spouses' option for persons who become members on or after July 1, 2012. The new spouses' option shall be an election made at the time of retirement, with the member receiving a reduced benefit in exchange for his or her spouse's coverage.

TITLE 47 (continued)

The Act amends O.C.G.A. Section 47-23-105 and enacts O.C.G.A. Sections 47-23-84 and 47-23-105.1.

Effective July 1, 2012.

**TITLE 48
REVENUE AND TAXATION**

Act 664; HB 729

This Act defines the terms "Internal Revenue Code" and "Internal Revenue Code of 1986" in order to incorporate certain provisions of federal law into Georgia law. The Act also clarifies procedures relating to a receipt for a properly prepared county tax digest and clarifies that insulin is exempt from state sales and use tax.

The Act amends O.C.G.A. Sections 48-1-2, 48-5-345, 48-8-2, and 48-8-3.

Effective May 1, 2012, and Section 1, relating to the Internal Revenue Code, is applicable to all taxable years beginning on or after January 1, 2011.

Act 674; HB 846

This Act provides procedures for the Department of Revenue to follow when publishing letter rulings and modernizes the provisions governing the commissioner's levy and sale of personal property. The Act also authorizes the commissioner to electronically store, retrieve, and transmit tax executions.

The Act amends O.C.G.A. Sections 48-2-55 and 48-3-7 and enacts O.C.G.A. Section 48-2-15.2.

Effective May 1, 2012, and Section 1 of the Act, relating to letter rulings, shall only be applied to rulings requested after the effective date of the Act.

Act 729; SB 284

This Act provides for provisions governing the creation and operation of land banks. The Act includes provisions regarding a statement of intent, definitions, board membership, powers and duties of land banks, public meetings, and the adoption of rules and regulations by land banks.

The Act amends O.C.G.A. Section 48-4-61 and enacts Article 6 of O.C.G.A. Chapter 48-4.

Effective July 1, 2012.

Act 699; HB 1102

This Act requires private water suppliers to suspend water supply to customers who have failed to pay for use of a waste-water sewer system and changes a date relating to solid waste management and land disposal sites. The Act also revises a definition relating to hazardous site reuse and redevelopment and revises the exceptions to limitation of liability. In addition, the Act revises provisions regarding the ad valorem taxation of brownfield property.

The Act amends O.C.G.A. Sections 12-5-179, 12-8-41, 12-8-202, 12-8-208, 31-2A-12, 48-5-2, and 48-5-7.6.

Effective May 1, 2012.

Act 680; HB 916

This Act changes certain qualifications and restrictions relating to covenants on bona fide conservation use property.

The Act amends O.C.G.A. Section 48-5-7.4.

Effective May 1, 2012.

Act 660; HB 634

This Act changes provisions relating to population brackets regarding the payment of ad valorem taxes to the county in which returns are made.

TITLE 48 (continued)

The Act amends O.C.G.A. Sections 48-5-24 and 48-5-40.
Effective July 1, 2012.

Act 606; HB 48

This Act changes provisions relating to applications for, waivers of, denials of, renewals of, and granting of freeport exemptions. The Act modifies level 1 and level 2 freeport exemptions and provides for the applicability of such exemptions to business inventory.

The Act amends O.C.G.A. Sections 48-5-48.1 and 48-5-48.2 and enacts O.C.G.A. Sections 48-5-48.5 and 48-5-48.6.

Effective April 17, 2012.

Act 607; HB 386

This Act amends Titles 2, 40, 44, and 48, relating to agriculture, motor vehicles, property, and revenue and taxation, respectively, so as to provide for the comprehensive revision of taxation of motor vehicles; to provide for state and local title ad valorem tax fees as alternative ad valorem taxes; to change the personal exemption for married taxpayers filing an income tax return; to revise certain provisions regarding the exclusion of retirement income from taxable net income; to revise provisions relating to tax credits available to qualified donors of property for conservation purposes; to change certain provisions relating to the exemptions from sales and use tax for film producers and film production companies; to provide for revision of taxation of machinery and energy used in manufacturing and agriculture; to provide for a new exemption regarding the sale and use of machinery or equipment which is necessary and integral to the manufacture of tangible personal property and the sale, use, storage, or consumption of energy, industrial materials, or packaging supplies; to provide for an exemption for sales to, or use by, a qualified agriculture producer of agricultural production inputs, energy used in agriculture, and agricultural machinery and equipment; to provide for a local excise tax on energy used in manufacturing; to provide for a new exemption for construction materials used in competitive projects of regional significance for a limited period of time; to modify the exemption for jet fuel; to revise the definition of dealer in order to expand the limits of nexus with this state for purposes of collecting state sales and use tax; and to provide for sales tax exemptions for certain items on specified dates.

The Act amends O.C.G.A. Sections 2-1-5, 40-2-23, 44-10-3, 48-5-441, 48-7-26, 48-7-27, 48-7-29.12, 48-8-2, and 48-8-3 and enacts O.C.G.A. Sections 48-5-441.1, 48-8-3.2, and 48-8-3.3, O.C.G.A. Chapter 48-5B, and Article 6 of O.C.G.A. Chapter 48-13.

Effective April 19, 2012, except that Section 5-5 of the Act shall become effective on January 1, 2012; Section 6-1 of the Act shall become effective on October 1, 2012; Part IV and Section 5-6 of the Act shall become effective on July 1, 2012; Parts II and III of the Act shall become effective on January 1, 2013, and shall be applicable to all taxable years beginning on or after January 1, 2013; and Part I of the Act shall become effective on March 1, 2013.

Act 675; HB 851

This Act changes the rates to be charged by collecting officers regarding the taxation of intangibles.

The Act amends O.C.G.A. Section 48-6-73.

Effective May 1, 2012.

Act 587; HB 808

This Act provides an exclusion from Georgia taxable net income for certain disability income from the United States Department of Veterans Affairs received by a disabled veteran who is a citizen and resident of Georgia.

The Act amends O.C.G.A. Section 48-7-27.

Effective April 16, 2012, and applicable to all taxable years beginning on or after January 1, 2013.

TITLE 48 (continued)

Act 767; HB 868

This Act provides for a comprehensive revision of income tax credits for business enterprises located in less developed areas, designated by tiers, for business enterprises located in less developed areas consisting of contiguous census tracts, and for establishing new quality jobs or relocating quality jobs.

The Act amends O.C.G.A. Sections 48-7-40, 48-7-40.1, 48-7-40.12, 48-7-40.15, 48-7-40.17, and 48-7-40.24.

Effective May 3, 2012, and applicable to taxable years beginning on or after January 1, 2012.

Act 714; HB 1027

This Act revises certain provisions regarding the job tax credit and the tax credit for film, video, or interactive entertainment production in Georgia.

The Act amends O.C.G.A. Sections 48-7-40.24 and 48-7-40.26.

Effective May 2, 2012; however, Section 1 of the Act shall be applicable to tax years beginning on or after January 1, 2012, and Section 2 of the Act shall be applicable to tax years beginning on or after January 1, 2013.

Act 687; HB 965

This Act allows certain fiduciaries an exception to the requirement of paying estimated taxes and changes provisions relating to withholding tax on taxable income of nonresident members of certain associations.

The Act amends O.C.G.A. Sections 48-7-114 and 48-7-129.

Effective May 1, 2012, and Section 2 of the Act, relating to withholding taxes of nonresident members, shall be applicable to all taxable years beginning on or after July 1, 2012.

Act 774; HB 743

This Act extends the expiration date for the exemption from the motor fuel tax for certain public transit and public campus transportation systems. The Act also changes provisions relating to the exemption regarding the sales tax exemption for jet fuel and provides an exemption for packaging materials.

The Act amends O.C.G.A. Sections 48-8-3 and 48-9-3.

Effective July 1, 2012.

Act 711; SB 332

This Act provides that retailers may under certain circumstances advertise that the retailer will pay the purchaser's sales and use tax on a transaction. The Act also expands the matters which are included in the annual report of the expenditure of SPLOST proceeds and provides for certain procedures to be used to implement a local excise tax on energy.

The Act amends O.C.G.A. Sections 48-8-36 and 48-8-122 and enacts O.C.G.A. Sections 48-8-124, 48-13-115, and 48-13-116.

Effective July 1, 2012; however, Sections 4 and 5 of the Act shall become effective on January 1, 2013.

Act 683; HB 932

This Act changes the required percentage of withholding payments due a nonresident subcontractor.

The Act amends O.C.G.A. Section 48-8-63.

Effective July 1, 2012.

TITLE 48 (continued)

Act 698; HB 1071

This Act changes provisions relating to the excise tax on certain tobacco products. The Act contains provisions regarding definitions, the rate of the excise tax, the annual renewal of the tobacco dealer license, and civil and criminal penalties.

The Act amends O.C.G.A. Sections 48-11-1, 48-11-2, 48-11-4, 48-11-10, 48-11-11, 48-11-13, 48-11-18, 48-11-22, 48-11-23, 48-11-24, 48-11-26, 48-11-28, and 50-13-2 and repeals O.C.G.A. Section 48-11-29.

Effective January 1, 2013.

Act 752; SB 431

This Act changes provisions relating to unlawful lotteries and provides for the application of the provisions to certain games and devices. The Act also revises provisions relating to coin operated amusement machines and authorizes local governments to adopt ordinances relating to bona fide coin operated amusement machines.

The Act amends O.C.G.A. Sections 10-1-393, 16-12-20, and 48-17-1 and enacts O.C.G.A. Section 48-17-17.

Effective May 2, 2012.

TITLE 49 SOCIAL SERVICES

Act 583; HB 861

This Act requires applicants for temporary assistance for needy families pass a drug test in order to receive benefits.

The Act enacts O.C.G.A. Section 49-4-193.

Effective July 1, 2012.

Act 608; HB 1146

This Act establishes the Georgia Vocational Rehabilitation Services Board and the Georgia Vocational Rehabilitation Agency and transfers the Georgia Industries for the Blind and the Division of Rehabilitation Services to such agency.

The Act redesignates O.C.G.A. Sections 34-15-1 through 34-15-20 and 34-15-40 through 34-15-42 as O.C.G.A. Sections 49-9-1 through 49-9-21 and 49-9-40 through 49-9-42, respectively, and amends O.C.G.A. Sections 15-11-63, 15-21-143, 30-2-3, 30-2-7, 30-6-4, 30-6-5, 31-15-3, 31-16-3, 32-2-4.1, 45-18-5.1, 45-18-5.2, 49-4A-9, 49-5-225, and 50-16-4.

Effective July 1, 2012.

TITLE 50 STATE GOVERNMENT

Act 406; HB 741

This Act amends the 2011-2012 "General Appropriations Act" to change certain appropriations for State Fiscal Year 2011-2012.

Effective March 15, 2012.

Act 775; HB 742

This Act, the "General Appropriations Act," provides appropriations for the operation of state government for State Fiscal Year 2012-2013.

Effective May 7, 2012.

TITLE 50 (continued)

Veto No. 4; HB 456

This Act establishes the Legislative Sunset Advisory Committee to review state agencies and state entities of the executive branch for productivity, efficiency, and responsiveness.

The Act designates O.C.G.A. Sections 50-4-1 through 50-4-7 as Article 1 of Chapter 4 of Title 50 of the O.C.G.A. and enacts O.C.G.A. Sections 50-4-20 through 50-4-24 as Article 2.

Act 743; SB 358

This Act provides for resident vendors of supplies, equipment, materials, and agricultural products to receive the same preferences by the state as those granted by out-of-state local governments for vendors within their own states.

The Act amends O.C.G.A. Section 50-5-60.

Effective July 1, 2012.

Act 758; SB 492

This Act provides for certain multiple award schedule contracts for the purchase of equipment for commercial use application.

The Act amends O.C.G.A. Section 50-5-67.

Effective July 1, 2012.

Act 679; HB 863

This Act provides for a temporary increase in the cost of supplies, materials, equipment, or services that may be purchased by the state without the use of a competitive bidding process. The Act temporarily amends definitions relative to small business assistance.

The Act amends O.C.G.A. Sections 50-5-69, 50-5-120, and 50-5-121.

Part 1 of the Act is effective July 1, 2012 and automatically repealed on July 1, 2015. Part 2 of the Act is effective July 1, 2015.

Act 739; SB 343

This Act transfers the office, functions, duties, and responsibilities of the Comptroller General from the Commissioner of Insurance to the State Accounting Office and designates the Comptroller General as the state accounting officer.

The Act repeals Article 2 of Chapter 14 of Title 45 of the O.C.G.A.; designates O.C.G.A. Sections 50-5B-1 through 50-5B-5 as Article 1 of Chapter 5B of Title 50 of the O.C.G.A. and enacts O.C.G.A. Sections 50-5B-20 through 50-5B-24 as Article 2; and amends O.C.G.A. Sections 45-14-3 and 45-14-5.

Multiple effective dates.

Act 638; SB 428

This Act requires agency reports of federal government mandates of rules and regulations not required by the General Assembly and identification of duplicate state and federal regulation.

The Act enacts O.C.G.A. Section 50-13-4.1.

Effective July 1, 2012.

Act 609; HB 100

This Act establishes the Georgia Tax Tribunal and repeals provisions relating to the Department of Revenue holding hearings when demanded by aggrieved taxpayers.

The Act repeals O.C.G.A. Section 50-13-12, enacts Chapter 13A of Title 50 of the O.C.G.A., and amends O.C.G.A. Sections 48-2-18, 48-2-35, 48-2-36, 48-2-50, 48-2-59, 48-3-1, 48-5-519, 48-6-7, 48-6-76, 48-7-31, 48-7-165, 50-13-13, and 50-13-42.

Effective January 1, 2013, except for the portion of the Act related to the establishment of the Georgia Tax Tribunal, which shall become effective on July 1, 2012.

TITLE 50 (continued)

Act 605; HB 397

This Act extensively revises provisions of law related to open meetings and open records.

The Act amends O.C.G.A. Sections 15-12-11, 15-16-10, 20-2-55, 31-7-402, 31-7-405, 33-2-8.1, 36-76-6, 38-3-152, 40-5-2, 43-34-7, 45-6-6, 46-5-1, 50-1-5, 50-14-1, 50-14-3, 50-14-4, 50-14-6, 50-17-22, 50-18-70 through 50-18-74, and 50-29-2 and repeals O.C.G.A. Sections 50-18-71.1 and 50-18-71.2.

Effective April 17, 2012, and the provisions of paragraph (47) of subsection (c) of Code Section 50-18-72 as enacted in Section 2 of the Act shall apply to any request for public records made prior to the effective date and to any pending litigation filed prior to the effective date.

Act 717; SB 37

This Act authorizes the State Properties Commission to enter into multiyear lease and rental agreements and provides for legislative oversight of certain multiyear lease or rental agreements.

The Act amends O.C.G.A. Section 50-16-41.

Effective January 1, 2013, so long as a Constitutional amendment is approved by a majority of the voters in the November, 2012, state-wide general election.

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