

House Bill 289

By: Representatives Kelley of the 16th, Lindsey of the 54th, and Willard of the 51st

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 1 of Article 4A of Title 11 of the Official Code of Georgia Annotated, relating
2 to subject matter and definitions relative to funds transfers, so as to clarify the relationship
3 between certain provisions of the Uniform Commercial Code and federal law; to repeal
4 conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

7 Part 1 of Article 4A of Title 11 of the Official Code of Georgia Annotated, relating to subject
8 matter and definitions relative to funds transfers, is amended by revising Code Section
9 11-4A-108, relating to the exclusion of consumer transactions governed by federal law, as
10 follows:

11 "11-4A-108. ~~Exclusion of consumer transactions governed by federal law~~
12 Relationship to federal Electronic Fund Transfer Act.

13 (a) ~~Except as provided in subsection (b) of this Code section, this~~ This article does not
14 apply to a funds transfer any part of which is governed by the Electronic Fund Transfer Act
15 of 1978, 15 U.S.C. Section 1693, et seq., ~~as amended from time to time.~~

16 (b) This article shall apply to a funds transfer that is a remittance transfer as defined in the
17 Electronic Fund Transfer Act, 15 U.S.C. Section 1693o-1(g), unless the remittance transfer
18 is an electronic fund transfer as defined in such act, 15 U.S.C. Section 1693(a).

19 (c) In the event of any conflict or inconsistency between the provisions of this article and
20 the provisions of the Electronic Fund Transfer Act of 1978, 15 U.S.C. Section 1693, et
21 seq., the federal act shall govern and control."

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

23 All laws and parts of laws in conflict with this Act are repealed.