

House Bill 824

By: Representatives Smith of the 134<sup>th</sup>, England of the 116<sup>th</sup>, Meadows of the 5<sup>th</sup>, Willard of the 51<sup>st</sup>, Smyre of the 135<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 4 of Title 7 of the Official Code of Georgia Annotated,  
2 relating to interest and usury generally, so as to clarify that the term "interest" does not  
3 include certain fees agreed upon by a financial institution and a depositor in a written  
4 agreement between the parties; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Article 1 of Chapter 4 of Title 7 of the Official Code of Georgia Annotated, relating to  
8 interest and usury generally, is amended by adding a new subsection to Code Section 7-4-2,  
9 relating to the legal and maximum rates of interest, to read as follows:

10 "(d) Notwithstanding the foregoing, fees and other charges agreed upon by a financial  
11 institution and depositor, as defined in Code Section 7-1-4, in a written agreement  
12 governing a deposit, share, or other account, including, but not limited to, overdraft and  
13 nonsufficient funds, delinquency or default charges, returned payment charges, stop  
14 payment charges, or automated teller machine charges, shall not be considered interest."

15 **SECTION 2.**

16 Said article is further amended by adding a new subsection to Code Section 7-4-18, relating  
17 to criminal penalties for charging excessive interest, to read as follows:

18 "(d) Notwithstanding the foregoing, fees and other charges agreed upon by a financial  
19 institution and depositor, as defined in Code Section 7-1-4, in a written agreement  
20 governing a deposit, share, or other account, including, but not limited to, overdraft and  
21 nonsufficient funds, delinquency or default charges, returned payment charges, stop  
22 payment charges, or automated teller machine charges, shall not be considered interest."

23 **SECTION 3.**

24 All laws and parts of laws in conflict with this Act are repealed.