

House Bill 347

By: Representatives Hightower of the 68th, Meadows of the 5th, Quick of the 117th, Kelley of the 16th, Efstration of the 104th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 4 of Title 7 of the Official Code of Georgia Annotated, relating to interest
2 and usury, so as to clarify provisions relating to interest on certain domestic relations cases;
3 to provide for related matters; to provide for an effective date and applicability; 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 Chapter 4 of Title 7 of the Official Code of Georgia Annotated, relating to interest and usury,
8 is amended by revising Code Section 7-4-12.1, relating to interest on arrearage on child
9 support, as follows:

10 "7-4-12.1.

11 (a) All awards ~~of child support and judgments rendered pursuant to Title 19~~ expressed in
12 monetary amounts shall accrue interest at the rate of 7 percent per annum commencing 30
13 days from the day such award or payment is due, except as provided in subsection (c) of
14 this Code section. ~~This Code section shall apply to all awards, court orders, decrees, and~~
15 ~~judgments rendered pursuant to Title 19~~. It shall not be necessary for the party to whom
16 the child support is due to reduce any such award to judgment in order to recover such
17 interest. The court shall have discretion in applying or waiving past due interest. In
18 determining whether to apply, waive, or reduce the amount of interest owed, the court shall
19 consider whether:

- 20 (1) Good cause existed for the nonpayment of the child support;
- 21 (2) Payment of the interest would result in substantial and unreasonable hardship for the
22 parent owing the interest;
- 23 (3) Applying, waiving, or reducing the interest would enhance or detract from the
24 parent's current ability to pay child support, including the consideration of the regularity
25 of payments made for current child support of those dependents for whom support is
26 owed; and

27 (4) The waiver or reduction of interest would result in substantial and unreasonable
28 hardship to the parent to whom interest is owed.

29 (b) Subsection (a) of this This Code section shall not be construed to abrogate the authority
30 of a IV-D agency to waive, reduce, or negotiate a settlement of unreimbursed public
31 assistance in accordance with subsection (b) of Code Section 19-11-5.

32 (c) Notwithstanding Code Section 7-4-12, 7-4-15, 9-12-10, or 13-6-13, when a judgment
33 for alimony or equitable division of assets and liabilities is payable in installments, interest
34 on such judgment shall not begin to accrue until an installment is ten days past due unless
35 otherwise ordered by the court."

36 **SECTION 2.**

37 This Act shall become effective upon its approval by the Governor or upon its becoming law
38 without such approval and shall apply to all civil actions pending on or after such effective
39 date.

40 **SECTION 3.**

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