

House Bill 347 (AS PASSED HOUSE AND SENATE)

By: Representatives Hightower of the 68<sup>th</sup>, Meadows of the 5<sup>th</sup>, Quick of the 117<sup>th</sup>, Kelley of the 16<sup>th</sup>, Efstration of the 104<sup>th</sup>, 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, court orders, decrees, or judgments rendered pursuant to~~  
12 Title 19 expressed in monetary amounts shall accrue interest at the rate of 7 percent per  
13 annum commencing 30 days from the ~~day~~ date such award, court order, decree, or  
14 judgment is entered or an installment payment is due, as applicable. The court may modify  
15 the date on which interest shall begin to accrue. ~~This Code section shall apply to all~~  
16 ~~awards, court orders, decrees, and judgments rendered pursuant to Title 19.~~ It shall not be  
17 necessary for the party to whom the child support is due to reduce any such award to  
18 judgment in order to recover such interest. The court shall have discretion in applying or  
19 waiving past due interest. In determining whether to apply, waive, or reduce the amount  
20 of interest owed, the court shall consider whether:

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

26 of payments made for current child support of those dependents for whom support is  
27 owed; and

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

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

33 (c) Notwithstanding Code Section 7-4-12, 7-4-15, 9-12-10, or 13-6-13, when an award,  
34 court order, decree, or judgment for alimony or equitable division of assets and liabilities  
35 is payable in installments, interest on such award, court order, decree, or judgment shall not  
36 begin to accrue until an installment is 30 days past due unless otherwise ordered by the  
37 court."

38 **SECTION 2.**

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

42 **SECTION 3.**

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