

House Bill 812

By: Representatives Prince of the 127th, Randall of the 142nd, Taylor of the 79th, Abrams of the 89th, Hugley of the 136th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 3 of Title 7, Chapter 17 of Title 16, and Part 5 of Article 3 of Chapter 12
2 of Title 44 of the Official Code of Georgia Annotated, relating to industrial loans, payday
3 lending, and pawnbrokers, respectively, so as to provide for the enforcement of the federal
4 John Warner National Defense Authorization Act for Fiscal Year 2007; to provide for a short
5 title; to provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 This Act shall be known and may be cited as the "Military Consumer Protection Act."

9 **SECTION 2.**

10 Chapter 3 of Title 7 of the Official Code of Georgia Annotated, relating to industrial loans,
11 is amended by revising Code Section 7-3-23, relating to cease and desist orders issued by the
12 Commissioner, as follows:

13 "7-3-23.

14 In the event the Commissioner shall find cause to believe that any person is violating this
15 chapter, ~~or~~ the rules and regulations promulgated by the Commissioner pursuant to this
16 chapter, or any provision of section 670 of the federal John Warner National Defense
17 Authorization Act for Fiscal Year 2007, Public Law 109-364, or any regulation adopted
18 pursuant to such federal act, he ~~or she~~ shall make such investigation and have such
19 hearings, before him or ~~such person as he designates~~ her or a designee, as will permit him
20 or her to determine the facts and then may issue a cease and desist order ~~if he so~~
21 ~~determines~~. If such cease and desist order is thereafter violated by the person against
22 whom it is issued, such violation shall constitute a public nuisance; and the Commissioner
23 is authorized to seek, and the superior courts shall grant, injunctions against such person's
24 further violating this chapter, ~~or the lawful~~ rules and regulations promulgated by the
25 Commissioner pursuant to this chapter, or any provision of section 670 of the federal John

26 Warner National Defense Authorization Act for Fiscal Year 2007, Public Law 109-364, or
27 any regulation adopted pursuant to such federal act. Such action for injunction may be
28 maintained notwithstanding the existence of other legal remedies or the pendency or
29 successful completion of a criminal prosecution as for a misdemeanor."

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SECTION 3.

31 Chapter 17 of Title 16 of the Official Code of Georgia Annotated, relating to payday lending,
32 is amended by revising Code Section 16-17-10, relating to severability, as follows:

33 "16-17-10.

34 (a) If any provision of this chapter or the application of such provision is found by a court
35 of competent jurisdiction in the United States to be invalid or is found to be superseded by
36 federal law, then the remaining provisions of this chapter shall not be affected, and this
37 chapter shall continue to apply to any other person or circumstance.

38 (b) Notwithstanding any other provision of law to the contrary, a violation of any
39 provision of section 670 of the federal John Warner National Defense Authorization Act
40 for Fiscal Year 2007, Public Law 109-364, or any regulation adopted pursuant thereto shall
41 be considered a violation of this chapter."

42

SECTION 4.

43 Part 5 of Article 3 of Chapter 12 of Title 44 of the Official Code of Georgia Annotated,
44 relating to pawnbrokers, is amended by adding a new Code section to read as follows:

45 "44-12-139.

46 Notwithstanding any other provision of law to the contrary, a violation of any provision of
47 section 670 of the federal John Warner National Defense Authorization Act for Fiscal Year
48 2007, Public Law 109-364, or any regulation adopted pursuant thereto shall be considered
49 a violation of this part."

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SECTION 5.

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