Senate Bill 214
By: Senators Martin of the 9th, Gooch of the 51st, Wilkinson of the 50th and Dugan of the 30th

AS PASSED

A BILL TO BE ENTITLED
AN ACT

To amend various titles of the Official Code of Georgia Annotated so as to change and provide for regulations governing certain professions; to prohibit professional licensing boards from refusing to issue a license or suspending or revoking the license of a person who is a borrower in default under an educational loan issued through the Georgia Higher Education Assistance Corporation or through a federal agency; to provide for and modify the regulation of certain professions; to provide for the regulation and permittance of body artists and body art studios; to provide for definitions; to provide for the issuance, denial, suspension, and revocation of permits; to authorize administrative review and the promulgation of rules and regulations by the Department of Public Health; to provide for enforcement, inspection, and criminal penalties; to provide for the display of signs; to remove certain requirements for certificates of registration for cosmetologists, hair designers, estheticians, nail technicians, master barbers, and barbers II; to specify the time period during which apprentices must take certain portions of the examination required for obtaining a certificate of registration; to change the powers and duties of the Division of Electrical Contractors as to the approval of continuing education courses; to prohibit certain advertisements related to electrical contracting; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I

SECTION 1-1.

Code Section 2-7-102 of the Official Code of Georgia Annotated, relating to grounds for denial, suspension, revocation, or modification of license, permit, or certification for the use and handling of pesticides, is amended by revising subsection (d) as follows:

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"(d) The Commissioner shall not suspend any pesticide contractor's license or certified commercial pesticide applicator's license or refuse to grant or renew either license upon notice to the Commissioner by the Georgia Higher Education Assistance Corporation that:

(1) the applicant for or holder of either such license is a borrower in default who is not in satisfactory repayment status under the Georgia Higher Education Loan Program as determined by the Georgia Higher Education Assistance Corporation or who has been certified by any entity of the federal government for nonpayment or default or breach of a repayment or service obligation under any federal educational loan, loan repayment, or service conditional scholarship program as defined in Code Section 20-3-295; and

(2) the hearings and appeals procedures provided in Code Section 20-3-295, where applicable, shall be the only such procedures required under this article."

SECTION 1-2.
Chapter 1 of Title 7 of the Official Code of Georgia Annotated, relating to financial institutions, is amended in Code Section 7-1-693, relating to applicant or licensee to engage in the sale of payment instruments or money transmissions as borrower in default, by revising subsection (a) as follows:

“(a) Where an applicant or licensee has been found to be a borrower in default, as defined in Code Section 20-3-295 under the Georgia Higher Education Loan Program as determined by the Georgia Higher Education Assistance Corporation or has been certified by any entity of the federal government for nonpayment or default or breach of a repayment or service obligation under any federal educational loan, loan repayment, or service conditional scholarship program, such action shall not be sufficient grounds for refusal of a license or suspension of a license. In such actions, the hearing and appeal procedures provided for in said Code section shall be the only procedures required under this article. The department shall be permitted to share, without liability, information on its applications or other forms with appropriate state agencies to assist them in collecting outstanding student loan debt."

SECTION 1-3.
Said chapter is further amended in Code Section 7-1-708.1, relating to denial or suspension of license to cash payment instruments for student borrowers in default, by revising subsection (a) as follows:

“(a) Where an applicant or licensee has been found to be a borrower in default, as defined in Code Section 20-3-295 under the Georgia Higher Education Loan Program as determined by the Georgia Higher Education Assistance Corporation or has been certified..."
by any entity of the federal government for nonpayment or default or breach of a repayment or service obligation under any federal educational loan, loan repayment, or service conditional scholarship program, such action shall not be sufficient grounds for denial of an application or suspension of a license. In such actions, the hearing and appeal procedures provided for in said Code section shall be the only procedures required under this article. The department shall be permitted to share, without liability, information on its applications or other forms with appropriate state agencies to assist them in collecting outstanding student loan debt.

SECTION 1-4.

Said chapter is further amended in Code Section 7-1-1017, relating to suspension or revocation of licenses, registrations, or mortgage broker education approval for mortgage lenders and mortgage brokers, notice, judicial review, and effect on preexisting contract, by revising paragraph (3) of subsection (a) as follows:

"(3) Where an applicant or licensee has been found to be a borrower in default as provided in Code Section 20-3-295 under the Georgia Higher Education Loan Program as determined by the Georgia Higher Education Assistance Corporation or has been certified by any entity of the federal government for nonpayment or default or breach of a repayment or service obligation under any federal educational loan, loan repayment, or service conditional scholarship program, such action shall not be sufficient grounds for refusal of a license or suspension of a license. In such actions, the hearing and appeal procedures provided for in Code Section 20-3-295 shall be the only such procedures required under this article."

SECTION 1-5.

Code Section 12-6-49.2 of the Official Code of Georgia Annotated, relating to the suspension of a registered forester license, borrowers in default, and hearing and appeal procedures, is amended by revising as follows:

"12-6-49.2.

(a) As used in this Code section, the term:

(1) 'Agency' means the Georgia Higher Education Assistance Corporation created in Code Section 20-3-263 which is responsible for administering a program of guaranteed educational loans to eligible students and eligible parents known as the Georgia Higher Education Loan Program.

(2) 'Borrower' means an individual who borrowed a guaranteed educational loan under the Georgia Higher Education Loan Program.
(3) 'Default' means default as defined by federal law under the Higher Education Act of 1965.

(4) 'Satisfactory repayment status' means the borrower has agreed to repay the defaulted loan to the agency and has made a payment in the most recent prior 60 days.

(b) The board shall not suspend, as provided for in Code Section 20-3-295, the license of any registered forester upon receipt of a record from the agency stating that such licensee because he or she is a borrower in default who is not in satisfactory repayment status as determined by the agency or who has been certified by any entity of the federal government for nonpayment or default or breach of a repayment or service obligation under any federal educational loan, loan repayment, or service conditional scholarship program.

(c) The board shall not deny the application for renewal, as provided for in Code Section 20-3-295, of any applicant or licensee upon receipt of a record from the agency stating that such licensee because he or she is a borrower in default who is not in satisfactory repayment status as determined by the agency or who has been certified by any entity of the federal government for nonpayment or default or breach of a repayment or service obligation under any federal educational loan, loan repayment, or service conditional scholarship program.

(d) Notwithstanding any other provisions of law, the hearings and appeals procedures provided for in Code Section 20-3-295, where applicable, shall be the only such procedures required to suspend a license or deny the issuance or renewal of an application for a license under this part.

SECTION 1-6.

Part 2 of Article 7 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to the Georgia Higher Education Assistance Corporation, is amended by revising Code Section 20-3-295, relating to the corporation to maintain certified list of borrowers in default, administrative hearings, and appeals, as follows:

"20-3-295.

(a) As used in this Code section, the term:

(1) 'Agency' means the Georgia Higher Education Assistance Corporation created in Code Section 20-3-263 which is responsible for administering a program of guaranteed educational loans to eligible students and eligible parents known as the Georgia Higher Education Loan Program.

(2) 'Applicant' means any person applying for issuance or renewal of a license.

(3) 'Borrower' means an individual who borrowed a guaranteed educational loan under the Georgia Higher Education Loan Program.
(4) ‘Certified list’ means a list provided by the agency of the names of borrowers who default on guaranteed educational loans made under the Georgia Higher Education Loan Program and are not in a satisfactory repayment status; provided, however, the term default shall not include any obligation which is restructured or which is discharged under hardship provisions under the federal Bankruptcy Code. Reserved.

(5) ‘Default’ means default as defined by federal law under the Higher Education Act of 1965.

(6) ‘License’ means a certificate, permit, registration, or any other authorization issued by any licensing entity that allows a person to engage in a profession, business, or occupation.

(7) ‘Licensee’ means any person holding a license.

(8) ‘Licensing entity’ means any state agency, department, or board of this state which issues or renews any license, certificate, permit, or registration to authorize a person to engage in a profession, business, or occupation, including those under Article 3 of Chapter 7 of Title 2, the ‘Georgia Pesticide Use and Application Act of 1976’; Article 13 of Chapter 1 of Title 7, relating to mortgage lenders and mortgage brokers; Chapter 5 of Title 10, the ‘Georgia Uniform Securities Act of 2008,’ relating to securities salespersons and investment adviser representatives; Part 2 of Article 1 of Chapter 6 of Title 12, relating to foresters; Chapter 4 of Title 26, relating to pharmacists; Chapter 23 of Title 33, relating to insurance agents, counselors, and other personnel; Chapter 1 of Title 43, relating to professions and businesses; Chapter 3 of Title 43, relating to accountants; Chapter 39A of Title 43, relating to real estate appraisers; or Chapter 40 of Title 43, relating to real estate brokers and salespersons.

(9) ‘Satisfactory repayment status’ means the borrower has agreed to repay the defaulted loan to the agency and has made a payment in the most recent prior 60 days.

(b) The agency shall maintain a state-wide certified list of borrowers in default who have not made satisfactory arrangements to ensure voluntary repayment. The certified list must be updated on a monthly basis. The agency shall submit to each licensing entity a certified list with the name, social security number, if known, date of birth, and last known address of each person on the list. No licensing entity shall refuse to issue nor suspend or revoke a license to an applicant or licensee because he or she is a borrower in default who is not in satisfactory repayment status as determined by the agency or who has been certified by any entity of the federal government for nonpayment or default or breach of a repayment or service obligation under any federal educational loan, loan repayment, or service conditional scholarship program.

(c) On or before January 1, 1999, all licensing entities shall implement procedures to accept and process the list provided by the agency in accordance with this Code section.
Such procedures should be substantially similar if not identical to those implemented to comply with Code Section 19-11-9.3.

(d) Promptly after receiving the certified list from the agency, all licensing entities shall determine whether an applicant or licensee is on the most recent certified list. If an applicant or licensee is on the certified list, the licensing entity shall immediately notify the agency. That notification shall include the applicant’s or licensee’s last known mailing address on file with the licensing entity.

(e) After receiving notice from the licensing entity of applicants or licensees who are on the certified list, the agency shall immediately notify those individuals as specified in subsection (f) of this Code section of the agency’s intent to request that all pertinent licensing entities suspend all licenses or withhold issuance or renewal of any license.

(f) Notice for purposes of this Code section shall be initiated by the agency. Notice to the borrower in default shall include the address and telephone number of the agency and shall inform the borrower in default of the agency’s intent to submit the borrower’s name to the relevant licensing entities and to request that the relevant licensing entities withhold issuance or renewal of the license or suspend the license. The notice must also inform the borrower in default of the following:

1. The borrower in default has 20 days from the date of mailing to enter into a satisfactory repayment status. If the borrower in default fails to enter into a satisfactory repayment status or does not respond within that time, the agency will send notice to the appropriate licensing entities and request that the licenses be suspended or the licensure applications be denied;

2. The borrower in default may request an administrative hearing and judicial review of that hearing under subsection (g) of this Code section. A request for a hearing must be made in writing and must be received by the agency within 20 days of service of notice; and

3. If the borrower in default requests a hearing within 20 days of service, the agency shall stay all action pending the hearing and any appeals.

(g) All borrowers in default subject to the sanctions imposed in this Code section shall have the right to a hearing before an administrative law judge of the Office of State Administrative Hearings pursuant to Article 2 of Chapter 13 of Title 50. A borrower in default who requests a hearing within the time prescribed in subsection (f) of this Code section shall have the right to a hearing. The hearing shall be conducted as provided in Article 2 of Chapter 13 of Title 50 within 45 days after such demand is received. The only issues at the hearing will be whether:

1. There is an outstanding guaranteed educational loan;

2. The licensee or applicant is the borrower named in the loan;
(3) The borrower is or is not in default;
(4) The borrower has entered into a satisfactory repayment status;
(5) The loan obligation is not enforceable; and
(6) The loan has been restructured or the loan has been discharged under hardship provisions under the federal Bankruptcy Code.

With respect to the issues listed in this subsection, evidence relating to the ability and willingness of a borrower to repay the loan shall be considered in making the decision either to suspend a license or deny the issuance or renewal of a license under this Code section. The administrative law judge shall be authorized to enter into an agreement or enter an order requiring periodic payments, and, in each event, the administrative law judge shall be authorized to issue a release for the borrower to obtain each license or licenses.

(h) The decision at the hearing shall be subject to appeal and judicial review pursuant to Article 2 of Chapter 13 of Title 50 but only as to those issues referred to in subsection (g) of this Code section. Notwithstanding any hearing requirements for suspension and denials within each licensing entity, the hearing and appeal procedures outlined in this Code section shall be the only hearing required to suspend a license or deny the issuance or renewal of a license under this Code section.

(i) The agency shall prescribe release forms for its use. When the borrower is determined to be in satisfactory repayment status or is determined to be not in satisfactory repayment status but has been determined in a hearing pursuant to subsection (g) of this Code section to be unable to comply with the terms of the loan agreement or to be not willfully out of compliance with such loan agreement, the agency shall mail to the borrower in default and the appropriate licensing entity a notice of release stating such determination. The receipt of a notice of release shall serve to notify the borrower in default and the licensing entity that, for the purpose of this Code section, he or she is in satisfactory repayment status, and the licensing entity shall promptly thereafter issue or reinstate the license, unless the agency, pursuant to subsection (b) of this Code section, certifies subsequent to the issuance of a notice of release that the borrower in default is once again not in satisfactory repayment status.

(j) The agency may enter into interagency agreements with state agencies that have responsibility for the administration of licensing entities as necessary to implement this Code section. Those agreements shall provide for the receipt by other state agencies and boards of federal funds to cover that portion of costs allowable under federal law and regulation and incurred by state agencies and boards in implementing this Code section.

(k) Any licensing entity receiving an inquiry as to the license status of an applicant who has had an application for issuance or renewal of a license denied under this Code section...
shall respond only that the license was suspended or the licensure application was denied pursuant to this Code section.

(l) The agency shall, and the licensing entities as appropriate may, adopt regulations necessary to implement this Code section.

SECTION 1-7.

Code Section 26-4-60 of the Official Code of Georgia Annotated, relating to grounds for suspension, revocation, or refusal to grant licenses to pharmacists, is amended by revising subsection (k) as follows:

“(k) The board shall not have the power to suspend any license issued under Article 3 of this chapter when because such holder is a borrower in default who is not in satisfactory repayment status as provided in Code Section 20-3-295 under the Georgia Higher Education Loan Program as determined by the Georgia Higher Education Assistance Corporation or who has been certified by any entity of the federal government for nonpayment or default or breach of a repayment or service obligation under any federal educational loan, loan repayment, or service conditional scholarship program. The board shall also not have the power to deny the application for issuance or renewal of a license under Article 3 of this chapter when because such applicant is a borrower in default who is not in satisfactory repayment status as provided in Code Section 20-3-295 under the Georgia Higher Education Loan Program as determined by the Georgia Higher Education Assistance Corporation or has been certified by any entity of the federal government for nonpayment or default or breach of a repayment or service obligation under any federal educational loan, loan repayment, or service conditional scholarship program. The hearings and appeals procedures provided for in Code Section 20-3-295 shall be the only such procedures required to suspend or deny any license issued under Article 3 of this chapter.”

SECTION 1-8.

Article 1 of Chapter 23 of Title 33 of the Official Code of Georgia Annotated, relating to licensing insurance agents, agencies, subagents, counselors, and adjusters, is amended in Code Section 33-23-21, relating to grounds for refusal, suspension, or revocation of licenses to sell insurance, by revising paragraphs (21) through (23) as follows:

“(21) Is a borrower in default who is not in satisfactory repayment status as defined by Code Section 20-3-295, for violations of this paragraph only, any hearing and appeal procedures conducted pursuant to Code Section 20-3-295 shall be the only such procedures required to suspend, deny, or revoke any license under this title;
(22) In relation to the licensee's ability to transact the business of insurance, has had a license, permit, authorization, registration, or privilege refused, revoked, suspended, limited, or restricted by any federal, state, county, municipality, territory, military, or other legal authority authorized to issue licenses, permits, authorizations, registrations, or privileges to conduct business within its respective jurisdiction; otherwise has failed to comply with the legal requirements related to the license, permit, authorization, registration, or privilege; or has had other disciplinary action taken against him or her by any such lawful authority; or

(23) Has failed to report to the department within 60 days of the action taken, any refusal, revocation, suspension, limitation, or restriction of any license, permit, authorization, registration, or privilege of any lawful authority referenced in paragraphs (18) or (22) of this Code section.

SECTION 1-9.

Said article is further amended by adding a new Code section to read as follows:

"33-23-21.1. The Commissioner shall not refuse to issue nor suspend or revoke a license of an applicant for or holder of a license because he or she is a borrower in default under the Georgia Higher Education Loan Program as determined by the Georgia Higher Education Assistance Corporation or has been certified by any entity of the federal government for nonpayment or default or breach of a repayment or service obligation under any federal educational loan, loan repayment, or service conditional scholarship program."

SECTION 1-10.

Said article is further amended in Code Section 33-23-22, relating to notice of suspension or revocation of license, hearing, and appeals, by revising as follows:

"33-23-22. (a) Any license, other than a probationary license or inactive license as described in subsection (b)(a) of Code Section 33-23-19, may be suspended or revoked as provided by Code Section 33-23-21 and subsection (b) of Code Section 33-23-19, and the Commissioner shall give notice of such action to the applicant for or holder of the license and any insurer or agent whom the applicant or licensee represents or who desires that the applicant or licensee be licensed. The procedure for conduct of hearings set forth in Chapter 2 of this title shall be followed in all cases except those cases pursuant to paragraph (20) or (21) of Code Section 33-23-21 which shall only require the hearings provided for in either said paragraph.

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(b) Appeal from any order or decision of the Commissioner made pursuant to this chapter shall be taken as provided in Chapter 2 of this title."

SECTION 1-11.
Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, is amended in Code Section 43-1-19, relating to grounds for refusing to grant or revoking licenses, application of Administrative Procedure Act, subpoena powers, disciplinary actions, judicial review, reinstatement, investigations, complaints, surrender, and probationary license regarding professional licensing boards, by adding "or" at the end of paragraph (10) of subsection (a), by replacing "; or" at the end of paragraph (11) of subsection (a) with a period, and by repealing paragraph (12) of subsection (a).

SECTION 1-12.
Said title is further amended by revising Code Section 43-1-29, relating to suspension of license for nonpayment of student loans, procedure, and reinstatement regarding professional licensing boards, as follows:

'A professional licensing board shall not suspend the license of a person licensed by that board because he or she is a borrower in default under the Georgia Higher Education Loan Program as determined by the Georgia Higher Education Assistance Corporation or because he or she has been certified by a federal agency and reported to the board any entity of the federal government for nonpayment or default or breach of a repayment or service obligation under any federal educational loan, loan repayment, or service conditional scholarship program. Prior to the suspension, the licensee shall be entitled to notice of the board's intended action and opportunity to appear before the board according to procedures set forth by the division director in rules and regulations. A suspension of a license under this Code section is not a contested case under Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' A license suspended under this Code section shall not be reinstated or reissued until the person provides the licensing board a written release issued by the reporting agency stating that the person is making payments on the loan or satisfying the service requirements in accordance with an agreement approved by the reporting agency. If the person has continued to meet all other requirements for licensure during the period of suspension, reinstatement of the license shall be automatic upon receipt of the notice and payment of any reinstatement fee which the board may impose.'
SECTION 1-13.

Said title is further amended in Code Section 43-3-27, relating to notification of conviction, time limit, and suspension of licenses regarding accountants, by revising subsection (b) as follows:

“(b) The board may not suspend the license of an individual because he or she is a borrower in default under the Georgia Higher Education Loan Program as determined by the Georgia Higher Education Assistance Corporation or has been certified by a federal agency and reported to the board any entity of the federal government for nonpayment or default or breach of a repayment or service obligation under any federal educational loan, loan repayment, or service conditional scholarship program. Prior to the suspension, the licensee shall be entitled to notice of the board's intended action and opportunity to appear before the board. A suspension of a license under this Code section is not a contested case under Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' A license suspended under this Code section shall not be reinstated or reissued until the individual provides the board a written release issued by the reporting agency stating that the individual is making payments on the loan or satisfying the service requirements in accordance with an agreement approved by the reporting agency. If the individual has continued to meet all other requirements for licensure during the period of suspension, reinstatement of the license shall be automatic upon receipt of the notice and payment of any reinstatement fee which the board may impose.”

SECTION 1-14.

Said title is further amended in Code Section 43-20A-16, relating to cause for disciplinary actions and disciplinary order a final order regarding licensed immigration assistance providers, by adding "or" at the end of paragraph (11) of subsection (a), by replacing "; or" with a period at the end of paragraph (12) of subsection (a), and by revising paragraph (13) of subsection (a) as follows:

“(a.1) The Secretary of State shall not order the discipline, denial, suspension, or revocation of a license issued pursuant to this chapter because a person has been found by the Secretary of State pursuant to notice by the Georgia Higher Education Assistance Corporation that the applicant for or holder of such license is to be a borrower in default who is not in satisfactory repayment status as defined in Code Section 20-3-295. Notwithstanding the provisions of Chapter 13 of Title 50, the hearings and appeals procedures provided in Code Section 20-3-295, where applicable, shall be the only such procedures required under this subsection."

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SECTION 1-15.
Said title is further amended by revising Code Section 43-20A-17, relating to suspension of
license for licensed immigration assistance providers for nonpayment, default, or breach of
repayment or service obligation under certain educational loan or scholarship programs and
terms of reinstatement, as follows:

"43-20A-17.
The Secretary of State shall not suspend a license issued pursuant to this chapter if reported
to the Secretary of State for because of nonpayment or default or breach of a repayment or
service obligation under any federal educational loan, loan repayment, or service
conditional scholarship program. Prior to a suspension, the licensee shall be entitled to
notice of the Secretary of State's intended action and opportunity to appear before the
Secretary of State according to procedures set forth by the Secretary of State. A suspension
of a license pursuant to this Code section shall not be a contested case under Chapter 13
of Title 50. A license suspended pursuant to this Code section shall not be reinstated or
reissued until the person arranges for a written release to be issued by the reporting agency
directly to the Secretary of State stating that the person is making payments on the loan or
satisfying the service requirements in accordance with an agreement approved by the
reporting agency. If such person has continued to meet all other requirements for licensure
during the period of suspension, reinstatement of the license shall be automatic upon
receipt of the notice and payment of any reinstatement fee which the Secretary of State may
impose."

SECTION 1-16.
Said title is further amended in Code Section 43-34-8, relating to authority to refuse license,
certificate, or permit or issue discipline for health professionals regulated by the Georgia
Composite Medical Board, suspension, restoration, investigations, hearings on fitness,
immunity, and publication of final disciplinary actions, by adding "or" at the end of
paragraph (22) of subsection (a) and by revising paragraphs (23) and (24) of subsection (a)
and subsection (b.1) as follows:

"(23) Failed to enter into satisfactory repayment status and is a borrower in default as
defined by Code Section 20-3-295; it shall be incumbent upon the applicant, licensee,
certificate holder, or permit holder to supply the notice of release to the board from the
Georgia Higher Education Assistance Corporation indicating that the licensee, certificate
holder, permit holder, or applicant has entered into satisfactory repayment status so that
a license, certificate, or permit may be issued or granted if all other conditions for
issuance of a license, certificate, or permit are met; or
Except for practice settings identified in paragraph (7) of subsection (g) of Code Section 43-34-25 and arrangements approved by the board prior to July 1, 2009, as set forth in subsection (k) of Code Section 43-34-103, been a physician that has been or is employed by one the physician:

(A) Delegates medical acts to;
(B) Enters a protocol or job description with; or
(C) Is responsible for supervising."

"(b.1) The board shall not suspend the license, certificate, or permit of a person licensed by the board because he or she is a borrower in default who is not in satisfactory repayment status under the Georgia Higher Education Loan Program as determined by the Georgia Higher Education Assistance Corporation or who has been certified by a federal agency and reported to the board any entity of the federal government for nonpayment or default or breach of a repayment or service obligation under any federal education loan, loan repayment, or service conditional scholarship program. Prior to the suspension, the licensee, certificate holder, or permit holder shall be entitled to notice of the board's intended action and opportunity to appear before the board according to procedures set forth in the board's rules and regulations. A suspension of a license, certificate, or permit under this subsection is not a contested case under Chapter 13 of Title 50, 'Georgia Administrative Procedure Act.' A license, certificate, or permit suspended under this Code section shall not be reinstated or reissued until the person provides the board a written release issued by the reporting agency stating that the person is making payments on the loan or satisfying the service requirements in accordance with an agreement approved by the reporting agency. If the person has continued to meet all other requirements for issuance of a license, certificate, or permit during the period of suspension, reinstatement of the license, certificate, or permit shall be automatic upon receipt of the notice and payment of any reinstatement fee which the board may impose."

SECTION 1-17.
Said title is further amended in Code Section 43-39A-14, relating to required conduct of applicants for real estate appraiser licenses, grounds for refusal of classification, imposition of sanctions, and suspension or revocation of classification, by revising subsection (k) as follows:

“(k) Where an applicant or licensee has been found to be a borrower in default who is not in satisfactory repayment status as provided in Code Section 20-3-295 under the Georgia Higher Education Loan Program as determined by the Georgia Higher Education Assistance Corporation or who has been certified by any entity of the federal government for nonpayment or default or breach of a repayment or service obligation under any federal..."
educational loan, loan repayment, or service conditional scholarship program, such finding shall not be sufficient grounds for refusal of a license or suspension of a license. For purposes of this subsection, the hearing and appeal procedures provided for in Code Section 20-3-295 shall be the only such procedures required under this article.”

SECTION 1-18.

Said title is further amended in Code Section 43-40-15, relating to grant of licenses to real estate brokers and salespersons, grounds for suspension or revocation of license, other sanctions, surrender or lapse, and conviction, by revising subsection (l) as follows:

“(l) Where an applicant or licensee has been found to be a borrower in default who is not in satisfactory repayment status as provided in Code Section 20-3-295 under the Georgia Higher Education Loan Program as determined by the Georgia Higher Education Assistance Corporation or who has been certified by any entity of the federal government for nonpayment or default or breach of a repayment or service obligation under any federal educational loan, loan repayment, or service conditional scholarship program, such finding shall not be sufficient grounds for refusal of a license or suspension of a license. In such cases, the hearing and appeal procedures provided for in Code Section 20-3-295 shall be the only such procedures required under this chapter.”

PART II

SECTION 2-1.

Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by revising Chapter 40, relating to tattoo studios, as follows:

"CHAPTER 40

31-40-1.

As used in this chapter, the term:

(1) 'Body art' means a tattoo or piercing placed on the body of a person for aesthetic or cosmetic purposes.

(2) 'Body artist' means any person who performs body art. Such term shall not include in its meaning any physician or osteopath licensed under Chapter 34 of Title 43, nor shall it include any technician acting under the direct supervision of such licensed physician or osteopath, pursuant to subsection (a) of Code Section 16-5-71.

(3) 'Body art studio' means any facility or building on a fixed foundation wherein a body artist performs body art.
Microblading of the eyebrow' means a form of cosmetic tattoo artistry where ink is deposited superficially in the upper three layers of the epidermis using a handheld or machine powered tool made up of needles known as a microblade to improve or create eyebrow definition, to cover gaps of lost or missing hair, to extend the natural eyebrow pattern, or to create a full construction if the eyebrows have little to no hair.

'Tattoo' means to mark or color the skin by pricking in, piercing, or implanting indelible pigments or dyes under the skin. Such term includes microblading of the eyebrow.

'Tattoo artist' means any person who performs tattooing, except that the term tattoo artist shall not include in its meaning any physician or osteopath licensed under Chapter 34 of Title 43, nor shall it include any technician acting under the direct supervision of such licensed physician or osteopath, pursuant to subsection (a) of Code Section 16-5-71.

'Tattoo studio' means any facility or building on a fixed foundation wherein a tattoo artist performs tattooing.

It shall be unlawful for any person to operate a tattoo body art studio or perform body art without having first obtained a valid permit for such studio. Such body art studio permits shall be issued by the county board of health or its duly authorized representative, subject to supervision and direction by the Department of Public Health but, where the county board of health is not functioning, the permit shall be issued by the department. Body artist permits shall be issued by the Department of Public Health. Permits shall be valid until suspended or revoked and shall not be transferable with respect to person or location.

The county boards of health may deny, suspend, or revoke permits where the health and safety of the public requires such action a body art studio permit for a violation of this chapter or the rules and regulations promulgated thereunder. When, in the judgment of such board or its duly authorized agents, it is necessary and proper that such application for a permit be denied or that a permit previously granted be suspended or revoked, the applicant or holder of the permit shall be so notified in writing and shall be afforded an opportunity for hearing as provided in Article 1 of Chapter 5 of this title. In the event that such application is finally denied or such permit finally suspended or revoked, the applicant for or holder of such permit shall be given notice in writing, which notice shall specifically state the reasons why the application or permit has been suspended, revoked, or denied.
(b) The department may deny, suspend, or revoke a body artist permit for a violation of this chapter or the rules and regulations promulgated thereunder, after notice to the permit holder and opportunity for hearing. Such proceedings shall be conducted in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

31-40-4.

Any person substantially affected by any final order of the county board of health denying, suspending, revoking, or refusing to renew any a body artist studio permit provided under this chapter may secure review thereof by appeal to the department as provided in Article 1 of Chapter 5 of this title.

31-40-5.

(a) The Department of Public Health and county boards of health shall have the power to adopt and promulgate rules and regulations to ensure the protection of the public health. Such rules and regulations shall prescribe reasonable standards for health and safety of tattoo standards for body artists and body art studios with regard to:

1. Location and cleanliness of facilities;
2. Sterilization and Occupational Safety and Health Administration guidelines for the prevention and spread of infectious diseases by all personnel;
3. Informed consent by the person receiving a tattoo any form of body art;
4. Procedures for ensuring adequate explanation to consumers of the proper subsequent care of a tattoo any form of body art; and
5. Proper use and maintenance of tattoo equipment, including tools, dyes, and pigments;
6. Competence and specialized knowledge of body artists.

(b) County boards of health are empowered to adopt and promulgate supplementary rules and regulations consistent with those adopted and promulgated by the department.

31-40-6.

The Department of Public Health and the county boards of health and their duly authorized agents are authorized and empowered to enforce compliance with this chapter and the rules and regulations adopted and promulgated under this chapter and, in connection therewith, to enter upon and inspect the premises of a tattoo body art studio at any reasonable time and in a reasonable manner, as provided in Article 2 of Chapter 5 of this title.
31-40-7. Any person, firm, or corporation operating a tattoo studio performing body art without a valid permit or performing tattooing outside of a licensed tattoo studio shall be guilty of a misdemeanor.

31-40-8. Each body art studio shall conspicuously display in a prominent place easily seen by patrons a printed sign that warns that any body art on the face, neck, forearm, hand, or lower leg of an individual may automatically disqualify such individual from military service in the armed forces of the United States. Such notice shall be at least 11 inches by 14 inches in size, with letters at least one inch in height. The Department of Public Health is authorized and directed to develop and institute a program of public education for the purpose of alerting the public to the possible side effects and exposure risks of tattooing.

31-40-9. Notwithstanding any other provision of this chapter, the governing authority of any county or municipality may enact more stringent laws governing tattooing body art.

31-40-10. Nothing in this chapter shall be construed to repeal the provisions of Code Section 16-12-5; provided, however, that Code Section 16-12-5 shall not apply to microblading of the eyebrow.

PART III
SECTION 3-1.

Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, is amended in Code Section 43-10-9, relating to application for certificate of registration, by deleting "is of good moral character;" in paragraph (1) of subsection (a), paragraph (1) of subsection (b), paragraph (1) of subsection (c), paragraph (1) of subsection (d), and paragraphs (1) and (2) of subsection (e).

SECTION 3-2.

Said Title 43 is further amended in Code Section 43-10-13, relating to the right to set course of study for students and application for examination, by adding a new subsection to read as follows:
"(c) A barber apprentice and any other individual serving as an apprentice in a beauty shop, beauty salon, or barber shop shall take the theory portion of the examination provided for in Code Section 43-10-9 within the first 12 months of his or her apprenticeship."

PART IV
SECTION 4-1.

Said Title 43 is further amended by revising subsection (e) of Code Section 43-14-6, relating to powers and duties of divisions, as follows:

"(e)(1) The Division of Electrical Contractors shall be authorized to require persons seeking renewal of Electrical Contractor Class I and Class II licenses to complete board approved continuing education courses of not more than four hours annually. The division shall be authorized to approve courses offered by institutions of higher learning, vocational-technical schools, and trade, technical, or professional organizations; provided, however, that continuing education courses or programs related to electrical contracting provided or conducted by public utilities, equipment manufacturers, or institutions under the State Board of the Technical College System of Georgia shall constitute acceptable continuing professional education programs for the purposes of this subsection. Continuing education courses or programs conducted by manufacturers specifically to promote their products shall not be approved continuing education courses to be held within or outside this state that are available to all licensed electrical contractors on a reasonable nondiscriminatory fee basis. Any request for division approval of a continuing education course shall be submitted in a timely manner with due regard for the necessity of investigation and consideration by the division. The division may contract with institutions of higher learning, professional organizations, or other qualified persons to provide programs that meet the requirements of this paragraph and any rules or regulations established by the division. Such programs shall be self-sustaining by the individual fees set and collected by the provider of the program.

(2) The division shall be authorized to waive the continuing education requirements in cases of hardship, disability, or illness or under such other circumstances as the division deems appropriate."

SECTION 4-2.

Said title is further amended by revising subsection (a) of Code Section 43-14-8, relating to licensing required for electrical, plumbing, or conditioned air contracting, businesses conducted by partnerships, limited liability companies, and corporations, applications, and review courses, as follows:
"(a)(1) No person shall engage in the electrical contracting business as an electrical contractor unless such person has a valid license from the Division of Electrical Contractors and a certificate of competency, if such certificates are issued by the division pursuant to subsection (b) of Code Section 43-14-6.

(2) A person who is not licensed as an electrical contractor or who does not have a certificate of competency, if such certificates are issued by the division pursuant to subsection (b) of Code Section 43-14-6, or both as may be applicable, shall be prohibited from advertising in any manner that such person is in the business or profession of electrical contracting unless the work is performed by a licensed electrical contractor."

PART V

SECTION 5-1.

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