

House Bill 1632

By: Representative Lim of the 99th

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 2 of Article 15 of Chapter 1 of Title 10 of the Official Code of Georgia
2 Annotated, the Fair Business Practices Act, so as to provide for disclosure of certain real
3 estate interests and to regulate door-to-door sales; to amend Code Section 13-8-2 of the
4 Official Code of Georgia Annotated, relating to contracts contravening public policy
5 generally, so as to prohibit monopolies; to amend Code Section 40-1-53 of the Official Code
6 of Georgia Annotated, relating to "department" defined and methods of enforcement
7 regarding the "Georgia Motor Carrier Act of 2012," so as to authorize the Attorney General
8 to enforce laws regarding motor carriers; to amend Article 2 of Chapter 15 of Title 45 of the
9 Official Code of Georgia Annotated, relating to the Department of Law, so as to provide for
10 an antitrust division; to amend Title 46 of the Official Code of Georgia Annotated, relating
11 to public utilities and public transportation, so as to provide the Attorney General with
12 concurrent oversight over the Public Service Commission and electric membership
13 corporations; to provide for related matters; to repeal conflicting laws; and for other
14 purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 2 of Article 15 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated, the "Fair Business Practices Act of 1975," is amended in Code Section 10-1-393, relating to unfair or deceptive practices in consumer transactions unlawful and examples, by deleting "and" at the end of division (b)(33)(B)(iii), replacing the period with "; and" at the end of paragraph (34), and adding new paragraphs to read as follows:

"(35) In the sale of real estate, failing as the seller to disclose all other properties owned by the seller; and

(36) Entering into any contract or agreement that fails to:

(A) Disclose any minimum payment for any period;

(B) Provide an itemization of any amount financed;

(C) Contain on every page on which a signature is required a statement in boldface type which complies substantially with the following: 'Read this contract before you sign it. You have the right to use a translator or interpreter when signing this contract. Do not sign if any spaces are left blank. You are entitled to be provided a copy of this contract.'; or

(D) In the case of a door-to-door sale, as such term is defined in 16 C.F.R. 429.0 on July 1, 2022, contain on a separate disclosure page a statement in boldface type which complies substantially with the following: 'You have the right to cancel this transaction at any time prior to midnight of the third business day after the date of this transaction.'"

SECTION 2.

Code Section 13-8-2 of the Official Code of Georgia Annotated, relating to contracts contravening public policy generally, is amended by adding a new subsection to read as follows:

"(d) Every contract, agreement, arrangement, or combination thereof whereby a monopoly in the conduct of any business, trade, or commerce, or in the furnishing of any service in

this state, is or may be established or maintained, or whereby competition or the free exercise of any activity in the conduct of any business, trade, or commerce, or in the furnishing of any service in this state, is or may be restrained, or whereby for the purpose of engaging in the conduct specific in this subsection any business, trade, or commerce or the furnishing of any service is or may be restrained, is hereby declared to be against public policy, illegal, and void."

SECTION 3.

Code Section 40-1-53 of the Official Code of Georgia Annotated, relating to "department" defined and methods of enforcement regarding the "Georgia Motor Carrier Act of 2012," is amended by adding a new subsection to read as follows:

"(c) In addition to the department, the Attorney General is also authorized to enforce this article by instituting actions for injunction, mandamus, or other appropriate relief relative to consumer complaints."

SECTION 4.

Article 2 of Chapter 15 of Title 45 of the Official Code of Georgia Annotated, relating to the Department of Law, is amended by adding a new Code section to read as follows:

"45-15-38.

(a) There is created and established a division within the Department of Law to be known as the Antitrust Division.

(b) The Attorney General shall appoint a director of the Antitrust Division, who shall oversee enforcement of Part 1 and Part 2 of Article 15 of Chapter 1 of Title 10 as well as other laws relating to unfair competition, fair business practices, and restraints on trade.

(c) The Antitrust Division shall cooperate with the Secretary of State in the execution of its duties under subsection (b) of this Code section."

SECTION 5.

Title 46 of the Official Code of Georgia Annotated, relating to public utilities and public transportation, is amended in Article 2 of Chapter 2, relating to jurisdiction, powers, and duties of the Public Service Commission generally, by adding a new Code section to read as follows:

"46-2-34.

The Attorney General shall have concurrent jurisdiction with the Public Service Commission over the consideration of consumer complaints relating to this chapter."

SECTION 6.

Said title is further amended in Part 1 of Article 4 of Chapter 3, relating to electric membership corporations and foreign electric cooperatives generally, by adding a new Code section to read as follows:

"46-3-183.

The Attorney General and the Secretary of State shall have concurrent jurisdiction over the consideration of consumer complaints relating to this chapter."

SECTION 7.

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