Senate Bill 25

By: Senator Johnson of the 1st

AS PASSED

A BILL TO BE ENTITLED

AN ACT

To amend numerous provisions of the Official Code of Georgia Annotated so as to authorize delivery of notices previously required to be delivered by registered or certified mail to be provided by overnight or commercial delivery service; to provide for related matters; to provide for an effective date and for applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 4-11-9.4 of the Official Code of Georgia Annotated, relating to notifying the owner of an impounded animal, is amended by striking subsection (a) and inserting in its place a new subsection to read as follows:

"(a) It shall be the duty of any person impounding an animal under this article to notify the owner of such animal immediately upon impoundment. Such notice shall state the name and business address of the person impounding the animal, the name and address of the state or local government agency having custody of the animal, a description of the animal, the reason why the animal was impounded, and a statement of the time limits for the owner to respond and request a hearing as provided in Code Section 4-11-9.5. The notice shall be provided by personal service or by registered ~~or~~ mail, certified mail, or statutory overnight delivery sent to the last known address of the owner. Service of the notice which complies with subsection (b) of Code Section 9-11-5 shall in all cases be sufficient. If the owner of such animal is unknown or cannot be found, service of the notice on the owner shall be made by posting the notice in a conspicuous place at the location where the animal was impounded and by publishing a notice once in a newspaper of general circulation in the county where the animal was impounded."

SECTION 2.

Code Section 10-4-107.1 of the Official Code of Georgia Annotated, relating to tobacco contracts, is amended by striking paragraph (2) of subsection (c) and inserting in its place a new paragraph to read as follows:

"(2) Notice of cancellation under this subsection shall be given to the tobacco company at the place of business as set forth in the tobacco contract by certified mail or statutory overnight delivery, return receipt requested, which shall be posted not later than 12:00 Midnight on the third business day following execution of the tobacco contract."

SECTION 3.

Code Section 12-5-550 of the Official Code of Georgia Annotated, relating to repayment penalty, notice of violation, and failure to respond to notice, is amended by striking the introductory language of subsection (b) and inserting in its place new introductory language to read as follows:

"(b) Within 30 days after discovery that a permittee violated an agreement entered into pursuant to Code Section 12-5-546 or an order issued by the director in accordance with Code Section 12-5-547, the director shall send via certified mail or statutory overnight delivery a notice of violation to the permittee stating:"

SECTION 4.

Code Section 33-58-5 of the Official Code of Georgia Annotated, relating to failure to comply with notice requirements, is amended by striking said Code section and inserting in its place a new Code section to read as follows:

"33-58-5.

The failure of a charitable organization to comply with the notice requirements imposed under Code Section 33-58-3 or Code Section 33-58-4 does not prevent a charitable gift annuity that otherwise meets the requirements of this chapter from constituting a qualified charitable gift annuity. The Commissioner may enforce performance of the requirements of Code Section 33-58-3 or Code Section 33-58-4 by sending a letter by certified mail, or statutory overnight delivery, return receipt requested, demanding that the charitable organization comply with the requirements of such Code sections. The Commissioner may fine the charitable organization in an amount not to exceed $1,000.00 per qualified charitable gift annuity agreement issued until such time as the charitable organization complies with such Code sections."

SECTION 5.

Code Section 36-74-12 of the Official Code of Georgia Annotated, relating to notices from code enforcement boards, is amended by striking subsection (a) and paragraph (3) of subsection (b) and inserting in their respective places the following:

"(a) All notices required by this chapter shall be provided to the alleged violator by certified mail~~,~~ or statutory overnight delivery, return receipt requested; by hand delivery by the sheriff or other law enforcement officer, code inspector, or other person designated by the local governing body; or by leaving the notice at the violator´s usual place of residence with any person residing therein who is above 15 years of age and informing such person of the contents of the notice."

"(3) Notice by publication or posting may run concurrently with, or may follow, an attempt or attempts to provide notice by hand delivery, ~~or by~~ mail, or statutory overnight delivery as required under subsection (a) of this Code section. Evidence that an attempt has been made to ~~hand~~ deliver ~~or mail~~ notice by hand, mail, or statutory overnight delivery as provided in subsection (a) of this Code section, together with proof of publication or posting as provided in this subsection ~~(b) of this Code section~~, shall be sufficient to show that the notice requirements of this Code section have been met, without regard to whether or not the alleged violator actually received such notice."

SECTION 6.

Code Section 44-14-162.2 of the Official Code of Georgia Annotated, relating to sales made on foreclosure under power of sale, is amended by striking said Code section and inserting in its place a new Code section to read as follows:

"44-14-162.2.

(a) Notice of the initiation of proceedings to exercise a power of sale in a mortgage, security deed, or other lien contract shall be given to the debtor by the secured creditor no later than 15 days before the date of the proposed foreclosure. Such notice shall be in writing and shall be sent by registered or certified mail or statutory overnight delivery, return receipt requested, to the property address or to such other address as the debtor may designate by written notice to the secured creditor. The notice required by this Code section shall be deemed given on the official postmark day or day on which it is received for delivery by a commercial delivery firm.

(b) The notice required by subsection (a) of this Code section shall be given by mailing or delivering to the debtor a copy of the published legal advertisement or a copy of the notice of sale submitted to the publisher."

SECTION 7.

This Act shall become effective on July 1, 2001, and shall apply with respect to notices delivered on or after that effective date.

SECTION 8.

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