

House Bill 1152

By: Representatives Mainor of the 56<sup>th</sup>, Lim of the 99<sup>th</sup>, Lopez of the 86<sup>th</sup>, and Jackson of the 128<sup>th</sup>

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, relating to the "Fair Business Practices Act of 1975," so as to require merchants  
3 to accept cash for purchases; to provide for a definition; to provide for exceptions; to require  
4 any cash overpayment to be remitted to the state treasury; to provide for penalties and  
5 remedies; 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 Part 2 of Article 15 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated,  
9 relating to the "Fair Business Practices Act of 1975," is amended by adding a new Code  
10 section to read as follows:

11 "10-1-393.17.

12 (a) As used in this Code section, the term 'merchant' means any person who offers goods,  
13 wares, merchandise, or services for sale in this state to the public and shall include an  
14 employee of a merchant.

15 (b) Unless otherwise permitted by law, a merchant shall not discriminate against a cash  
16 buyer by requiring the use of credit in order to purchase such merchant's goods and  
17 services and shall not refuse to accept legal tender when offered as payment by a buyer.

18 (c) If a merchant does not have exact change to give a cash buyer for an overpayment for  
19 goods and services paid for with cash, the merchant shall remit the amount of payment in  
20 excess of the purchase price and sales tax to the Department of Revenue for deposit into  
21 the general fund of the state treasury.

22 (d) Any person who violates any provision of this Code section shall be subject to the  
23 penalties provided in this part.

24 (e) Notwithstanding any other provision of law, a claim of a violation of this Code section  
25 may be brought in a representative capacity and may be the subject of a class action under  
26 Code Section 9-11-23. Damages for such violation shall be the greater of actual damages  
27 or \$10.00 per violation.

28 (f) The rights and remedies provided for in this Code section are in addition to any other  
29 rights and remedies provided by law."

30 **SECTION 2.**

31 All laws and parts of laws in conflict with this Act are repealed.