

The House Committee on Agriculture and Consumer Affairs offers the following substitute to HB 1152:

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 cash buyer; to provide for penalties and remedies;
5 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, except a sole
13 proprietor or a business with only one employee, who offers goods, wares, merchandise,
14 or services for sale, excluding offers made online or entirely through an automated
15 machine, in this state to the public and shall include an employee of a merchant.

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16 (b) Unless otherwise permitted by law, a merchant shall not discriminate against a cash
17 buyer by requiring the use of credit in order to purchase such merchant's goods and services
18 and shall not refuse to accept legal tender when offered as payment by a buyer. The
19 provisions of this Code section shall not apply to merchants at events that are expected to
20 attract 500 or more persons.

21 (c) If a merchant does not have exact change to give a cash buyer for an overpayment for
22 goods and services paid for with cash, the merchant shall remit the amount of payment in
23 excess of the purchase price and sales tax to the cash buyer in the form of a store credit.

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

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

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

32 **SECTION 2.**

33 All laws and parts of laws in conflict with this Act are repealed.