

The House Committee on Appropriations offers the following substitute to HB 579:

A BILL TO BE ENTITLED

AN ACT

1 To amend Title 43 of the Official Code of Georgia Annotated, relating to professions and
2 businesses, so as to revise provisions relating to licensure to engage in the practice of a
3 profession, business, or trade in this state; to revise provisions relating to meetings of
4 professional licensing boards; to revise provisions relating to the roster of licensees; to revise
5 provisions relating to the duties of the division director; to provide for the review and
6 granting of applications for the issuance, renewal, or reinstatement of licenses by the director
7 of the professional licensing boards division; to revise provisions relating to the renewal of
8 professional licenses; to revise provisions relating to the removal of members of a
9 professional licensing board; to require that the rules and regulations promulgated by
10 professional licensing boards be designed to protect the health, safety, and welfare of the
11 public; to repeal and reenact provisions relating to auctioneers; to provide for the registration
12 of auctioneers; to provide exceptions; to provide for application for such a registration; to
13 provide for the refusal to grant such a registration; to provide for the suspension, revocation,
14 or refusal to renew such a registration; to provide for the temporary issuance of such a
15 registration; to provide for bonding requirements; to prohibit certain conduct of auctioneers;
16 to provide a civil penalty; to provide for the transfer of moneys held in the auctioneers
17 education, research, and recovery fund; to provide a sunset date on the filing of claims
18 against such fund; to provide a short title; to repeal provisions creating separate standards

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19 committees of the Georgia Composite Board of Professional Counselors, Social Workers,
20 and Marriage and Family Therapists; to repeal and reenact provisions relating to geologists;
21 to provide for the registration of geologists; to provide exceptions; to provide for application
22 for such a registration; to provide for the refusal to grant such a registration; to provide for
23 the suspension, revocation, or refusal to renew such a registration; to provide for the
24 temporary issuance of such a registration; to provide for the use of seals by geologists; to
25 prohibit certain activities; to provide a civil penalty; to provide a short title; to repeal and
26 reenact provisions relating to hearing aid dealers and dispensers; to provide for the
27 registration of hearing aid dealers; to provide exceptions; to provide for application for such
28 a registration; to provide for the refusal to grant such a registration; to provide for the
29 suspension, revocation, or refusal to renew such a registration; to provide for the temporary
30 issuance of such a registration; to prohibit certain conduct of hearing aid dealers; to provide
31 a civil penalty; to provide a short title; to provide for construction; to provide for definitions;
32 to conform a cross-reference; to provide for an effective date; to provide for related matters;
33 to repeal conflicting laws; and for other purposes.

34 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

35 **PART I**
36 **SECTION 1-1.**

37 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
38 is amended by revising Code Section 43-1-2, relating to appointment and powers of division
39 director, members and meetings of professional licenses board, examination standards, roster
40 of licensees, and funding, as follows:

H. B. 579 (SUB)

41 "43-1-2.

42 (a)(1) There is created within the office of the Secretary of State the professional
43 licensing boards division as successor to the office of the joint-secretary of the state
44 examining boards. The Secretary of State is authorized and directed to appoint a director
45 of the professional licensing boards division.

46 (2) Any action of the joint-secretary taken with regard to any state examining board prior
47 to July 1, 2000, shall thereafter be deemed to be action taken by the director of the
48 professional licensing boards division and that division director shall thereafter act in the
49 stead of such joint-secretary and succeed to the powers and duties of the joint-secretary
50 with regard to those state examining boards. The rights, privileges, entitlements, or
51 duties of parties to contracts, leases, agreements, or other transactions entered into by the
52 joint-secretary prior to July 1, 2000, shall continue to exist and shall not be impaired or
53 diminished by reason of the succession of the division director to the powers and duties
54 of the joint-secretary.

55 (b) The salary of the division director shall be fixed by the Secretary of State, and he or
56 she shall hold office at the pleasure of the Secretary of State.

57 (c) The Secretary of State, notwithstanding any other provisions of law to the contrary,
58 shall employ personnel as deemed necessary to carry out this chapter and to provide for all
59 services required by each of the professional licensing boards and shall establish within the
60 guidelines provided by the laws and rules and regulations of the State Personnel Board the
61 qualifications of such personnel.

62 (d) The division director, with the approval of the Secretary of State, notwithstanding any
63 other provisions of law to the contrary, shall enter into such contracts as are deemed
64 necessary to carry out this chapter to provide for all services required by each of the
65 professional licensing boards.

66 (e) The Secretary of State, notwithstanding any other provisions of law to the contrary,
67 shall have the power to employ and shall set the qualifications and salary for a deputy

68 division director and shall appoint executive directors as required who shall act in the
69 absence of the division director and who shall perform such other functions of the division
70 director under this chapter as the division director may designate. The deputy division
71 director and executive directors as appointed shall be in the unclassified service and shall
72 be excluded from the classified service as defined in Article 1 of Chapter 20 of Title 45.

73 (f) Notwithstanding any other provisions of law to the contrary, each member of the
74 various professional licensing boards may receive the expense allowance as provided by
75 subsection (b) of Code Section 45-7-21 and the same mileage allowance for the use of a
76 personal car as that received by all other state officials and employees or a travel allowance
77 of actual transportation cost if traveling by public carrier within the state. Any board
78 member shall also be reimbursed for any conference or meeting registration fee incurred
79 in the performance of his or her duties as a board member. For each day's service outside
80 of the state as a board member, such member shall receive actual expenses as an expense
81 allowance as well as the same mileage allowance for the use of a personal car as that
82 received by other state officials and employees or a travel allowance of actual
83 transportation cost if traveling by public carrier or by rental motor vehicle. Expense
84 vouchers submitted by members of the various professional licensing boards are subject
85 to approval of the president or chairperson of the respective board and the division director.

86 (g) All meetings and hearings of the respective professional licensing boards shall be held
87 ~~in the capitol~~, at the site of the office of the respective board; or at such other site as may
88 be requested by the chairperson or president of a professional licensing board and approved
89 by the division director.

90 (h) A majority of the appointed members of a professional licensing board shall constitute
91 a quorum for the transaction of business by that board.

92 (h.1) Members of a professional licensing board shall serve until the expiration of the term
93 for which they were appointed and until their successors have been appointed and qualified
94 unless otherwise specified under the provisions of this title.

95 (i) A schedule of all meetings and hearings of the various professional licensing boards
96 shall be maintained at the office of the division director and be available for public review.

97 (j)(1) The division director may establish administrative standards for the examination
98 of applicants for licensure by the various professional licensing boards, notwithstanding
99 any other provisions of law to the contrary. These administrative standards may include
100 the setting of date, time, and location of examinations, subject to the approval of the
101 respective professional licensing boards. Notwithstanding any other provisions of law
102 to the contrary, examination criteria, examination grading procedures, examination fees,
103 examination passing score requirements, and other matters pertaining to the examination
104 of applicants for licensure may be adopted by rules of the respective professional
105 licensing boards as necessary to implement such examination standards. Examination
106 standards, including examination criteria, grading procedures, and passing score
107 requirements, developed in agreement or in conjunction with a national association of
108 state boards or other related national association for the administration of a nationally
109 recognized uniform examination may be adopted in lieu of state standards by the
110 respective professional licensing boards.

111 (2)(A) Notwithstanding any other provision of this title to the contrary, whenever an
112 applicant for the issuance of a license is required to obtain prior approval from a
113 professional licensing board before such applicant is permitted to take an examination
114 required in connection with such license, the division director shall be authorized to
115 grant such approval on behalf of the applicable professional licensing board, provided
116 that the division director is able to determine that the applicant has satisfied all other
117 requirements that may be provided under this title for such applicant to take such
118 examination.

119 (B) Nothing in this paragraph shall prevent a professional licensing board from
120 granting or denying its approval for any applicant seeking the issuance of a license to
121 take an examination required in connection with such license, and such grant or denial

122 of approval from a professional licensing board with respect to a particular applicant
123 shall not be contradicted by the division director acting under the authorization
124 provided in this paragraph.

125 (C) As used in this paragraph, the term 'license' shall have the same meaning as set
126 forth in Code Section 43-1-3.1.

127 (k) The division director shall prepare and maintain a roster containing the names and
128 addresses of all current licensees for each of the various professional licensing boards as
129 well as all persons, other than any person who fails to renew his or her license for a period
130 of 45 days or less, who have been issued a public cease and desist order by a professional
131 licensing board pursuant to Code Section 43-1-20.1 for engaging in the practice of a
132 business or profession without a license. A copy of this roster for each professional
133 licensing board, except for home addresses of licensees, shall be made available on the
134 public website of the secretary of state and shall include, in one location, the names of
135 licensees and persons issued cease and desist orders. A copy of the roster, except for home
136 addresses of licensees, shall also be made available to any person upon request at a fee
137 prescribed by the division director sufficient to cover the cost of printing and distribution.
138 The following shall be treated as confidential and need not be disclosed without the
139 approval of the professional licensing board to which application is made:

140 (1) Applications and other personal information, including home addresses, submitted
141 by applicants, except to the applicant, staff, and the board;

142 (2) Information, favorable or unfavorable, submitted by a reference source concerning
143 an applicant, except to the staff and the board;

144 (3) Examination questions and other examination materials, except to the staff and the
145 board; and

146 (4) The deliberations of the board with respect to an application, an examination, a
147 complaint, an investigation, or a disciplinary proceeding, except as may be contained in
148 official board minutes.

149 (l) Funding for the office of the division director and the various professional licensing
 150 boards served by such office shall be contained in a common budget unit as defined in
 151 Part 1 of Article 4 of Chapter 12 of Title 45, the 'Budget Act.'"

152 **SECTION 1-2.**

153 Said title is further amended in Code Section 43-1-3, relating to duties of the division director
 154 and serving notice or process on boards through the division director, by revising subsection
 155 (a) as follows:

156 "(a) It shall be the duty of the division director:

157 (1) To bring together and keep all records relating to the professional licensing boards;

158 (2) To receive all applications for licenses;

159 (3) To review and grant applications for the issuance, renewal, or reinstatement of
 160 licenses in accordance with the provisions of Code Section 43-1-3.1;

161 ~~(4)~~ (4) With the consent of the board concerned, to schedule the time and place for
 162 examinations;

163 ~~(4)(5)~~ (5) To schedule the time and place for all hearings;

164 ~~(5)(6)~~ (6) To issue certificates upon authority of the professional licensing board concerned;
 165 and

166 ~~(6)(7)~~ (7) Except as otherwise provided by law, to collect all fees required by law in
 167 connection with the licensing of trades and professions under such boards and to remit
 168 the same to the state treasurer for deposit into the general fund of the state.

169 Notwithstanding any other provision of law, the division director is authorized to retain
 170 all funds received as collection fees for use in defraying the cost of collection of fees

171 required under this chapter; provided, however, that nothing in this Code section shall be

172 construed so as to allow the division director to retain any funds required by the

173 Constitution of Georgia to be paid into the state treasury; and provided, further, that the

174 division director shall comply with all provisions of Part 1 of Article 4 of Chapter 12 of

175 Title 45, the 'Budget Act,' except Code Section 45-12-92, prior to expending any such
176 funds."

177 **SECTION 1-3.**

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

179 "43-1-3.1.

180 (a) As used in this Code section, the term 'license' means any license, certificate, permit,
181 registration, or other document that is issued by a professional licensing board and that is
182 required under this title for a person to engage in the practice of a profession, business, or
183 trade in this state. Such term shall include, without limitation, any expedited license,
184 temporary license, special license, or license by endorsement that is issued by a
185 professional licensing board under this title.

186 (b)(1) Notwithstanding any provision of this title to the contrary, the division director
187 shall be authorized to review each application for the issuance, renewal, or reinstatement
188 of a license and, upon determining that an application furnishes evidence that the
189 applicant has achieved or satisfied all of the qualifications, attainments, and other
190 conditions required for the issuance, renewal, or reinstatement of a particular license
191 under the provisions of this title, shall be authorized, on behalf of the applicable
192 professional licensing board, to issue the license to or renew or reinstate the license of the
193 applicant.

194 (2) Whenever the division director reviews any application for the issuance, renewal, or
195 reinstatement of a license pursuant to paragraph (1) of this subsection and cannot
196 determine, based on such application, that the applicant has achieved or satisfied all of
197 the qualifications, attainments, and other conditions required for the issuance, renewal,
198 or reinstatement of the license under the provisions of this title, the division director shall
199 not take any action on the application and shall forward the application to the applicable

200 professional licensing board who shall then review, consider, and either grant or deny the
201 application in a timely manner.

202 (c) Nothing in this Code section shall prevent a professional licensing board from
203 reviewing applications for the issuance, renewal, or reinstatement of a license that is issued
204 by such professional licensing board and granting or denying such application. Any such
205 application which a professional licensing board has granted or denied shall not be
206 reviewed or considered by the division director and, if the division director is in the process
207 of reviewing or considering such application at the time the professional licensing board
208 grants or denies such application, the division director shall cease his or her review of such
209 application and shall not take any further action on the application.

210 (d) When it is necessary for the division director, in connection with his or her review of
211 an application for the issuance, renewal, or reinstatement of a license under subsection (b)
212 of this Code section, to determine whether the applicant has satisfied any postsecondary
213 education requirements required for the issuance, renewal, or reinstatement of such license,
214 the division director shall not be required to obtain official transcripts evidencing the
215 satisfaction of such education requirements from the relevant postsecondary education
216 institution, provided that the division director is able to obtain confirmation, through other
217 reliable means, from the postsecondary education institution that such education
218 requirements have been satisfied. Each postsecondary education institution in this state is
219 encouraged to work with the division director to develop such alternative method of
220 confirming the satisfaction of education requirements as provided in this title."

221 **SECTION 1-4.**

222 Said title is further amended by revising Code Section 43-1-4, relating to expiration, renewal,
223 and penalty dates of licenses and certificates; duration of validity, and renewals, as follows:

224 "43-1-4.

225 (a) The division director shall determine the expiration, renewal, and penalty dates for
 226 each license and certificate issued by the professional licensing boards through the office
 227 of the division director which is subject to renewal. Before becoming effective, these
 228 expiration, renewal, and penalty dates must be approved by the respective professional
 229 licensing boards.

230 (b) ~~Each~~ Notwithstanding any provision of this title to the contrary, each license and
 231 certificate issued by the professional licensing boards through the office of the division
 232 director which are subject to renewal shall be valid for up to two years and shall be
 233 renewable biennially on the renewal date established by the division director, as approved
 234 by the respective professional licensing boards. Any such license or certificate shall be
 235 renewable for up to 45 days after the expiration of such license or certificate, provided that
 236 the licensee or the certificate holder has satisfied all requirements and paid all fees relating
 237 to the renewal of such license or certificate as provided in this title or in the rules and
 238 regulations of the applicable professional licensing board.

239 (c) The division director is authorized to adopt the necessary rules and regulations to
 240 implement the biennial renewal of licenses and certificates in such manner as to ensure that
 241 the number of renewals is reasonably evenly distributed throughout each two-year period."

242 **SECTION 1-5.**

243 Said title is further amended by revising Code Section 43-1-17, relating to removal from
 244 office member of a professional licensing board, as follows:

245 "43-1-17.

246 The Governor, ~~after notice and opportunity for hearing,~~ may remove from office any
 247 member of a professional licensing board for any of the following:

- 248 (1) Inability or neglect to perform the duties required of members;
 249 (2) Incompetence; or

250 (3) Dishonest conduct."

251 **SECTION 1-6.**

252 Said title is further amended by revising Code Section 43-1-26, which is reserved, as follows:

253 "43-1-26.

254 Notwithstanding any provision of this title to the contrary, the power of each professional
255 licensing board to promulgate rules and regulations as provided in this title shall be limited
256 to the promulgation of rules and regulations that are designed to protect the health, safety,
257 and welfare of the public regarding the particular profession, business, or trade that is
258 regulated by such professional licensing board Reserved."

259 **PART II**

260 **SECTION 2-1.**

261 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
262 is amended by repealing in its entirety Chapter 6, relating to auctioneers, and enacting a new
263 Chapter 6 to read as follows:

264 "CHAPTER 6

265 43-6-1.

266 This chapter shall be known and may be cited as the 'Georgia Auctioneers Registration
267 Act.'

268 43-6-2.

269 As used in this chapter, the term:

270 (1) 'Absolute auction' means that ownership and title of real or personal property offered
271 at auction must be conveyed to the high bidder without reservation and without any
272 competing bids of any type by the owner or an agent of the owner of such property.

273 (2) 'Auction with reserve' means that the seller reserves the right to refuse any and all
274 bids.

275 (3) 'Auctioneer' means an individual who, for a fee, commission, or any other valuable
276 consideration or with the intention or expectation of receiving the same by means of or
277 by process of an auction or sale at auction, offers, negotiates, or attempts to negotiate a
278 listing contract, sale, purchase, or exchange of goods, chattels, merchandise, real or
279 personal property, or any other commodity which lawfully may be kept or offered for sale
280 and has been duly licensed, as provided in this chapter.

281 (4) 'Auctioneering' or 'acting as an auctioneer' means the performing of any of the acts
282 of an auctioneer, including bid calling for a fee, commission, or any other valuable
283 consideration or with the intention or expectation of receiving the same by means of or
284 by process of an auction or sale at auction or offering, negotiating, or attempting to
285 negotiate a listing contract for the sale, purchase, or exchange of goods, chattels,
286 merchandise, real or personal property, or any other commodity which lawfully may be
287 kept or offered for sale.

288 (5) 'Goods' means any chattel, goods, merchandise, real or personal property, or
289 commodities of any form or type which lawfully may be kept or offered for sale.

290 (6) 'Registration' means registration as an auctioneer pursuant to this chapter.

291 (7) 'Ringperson' means an individual employed directly by or working under the direct
292 supervision of an auctioneer responsible for a sale who assists the auctioneer in the
293 conducting of an auction, provided that such individual does not call or chant a bid or
294 negotiate a listing contract.

295 (8) 'Secretary of State' means the Secretary of State of the State of Georgia or his or her
296 designee.

297 (9) 'State' means a state of the United States, the District of Columbia, Puerto Rico, the
298 United States Virgin Islands, or any territory or insular possession subject to the
299 jurisdiction of the United States.

300 43-6-3.

301 By acting as an auctioneer in this state, a nonresident individual appoints the Secretary of
302 State as the individual's agent for service of process in any civil action in this state related
303 to the individual's auctioneering in this state.

304 43-6-4.

305 (a) Except as otherwise provided in subsection (b) of this Code section, an individual shall
306 not engage in auctioneering in this state without holding a certificate of registration under
307 this chapter.

308 (b) The provisions of this chapter shall not apply to any individual:

309 (1) Acting as a receiver, trustee in bankruptcy, administrator, executor, or any such
310 individual acting under order of any court;

311 (2) Acting as an auctioneer in the auction of livestock, forest products, or farm products
312 in an auction facility which is licensed and bonded under the provisions of Article 3 of
313 Chapter 6 of Title 4 or in an auction facility which is licensed under Code Section
314 10-4-101 or in any youth livestock auction that is sponsored by a 4-H Club or the Future
315 Farmers of America;

316 (3) Conducting a public sale of personal property pursuant to the provisions of Code
317 Section 10-4-213; or

318 (4) Acting as a ringperson.

- 319 43-6-5.
- 320 An applicant for registration shall submit an application to the Secretary of State in a form
- 321 prescribed by the Secretary of State. An application filed under this Code section is a
- 322 public record. The application shall be in the name of an individual and state or contain
- 323 the following and any other information required by the Secretary of State:
- 324 (1) The name of the applicant and the address of the applicant's residence and principal
- 325 place of business;
- 326 (2) The name of the applicant's business or employer, if applicable;
- 327 (3) Any business or occupation engaged in by the applicant for the five years next
- 328 preceding the date of submission of the application;
- 329 (4) A description of the applicant's:
- 330 (A) Formal training as an auctioneer;
- 331 (B) Practical experience as an auctioneer; and
- 332 (C) Educational background relating to the applicant's activities as an auctioneer;
- 333 (5) Identification of an active escrow or trust account that will be used and maintained
- 334 by the applicant while engaged in auctioneering in this state;
- 335 (6) The names and addresses of three individuals not related to the applicant who are
- 336 willing to serve as references;
- 337 (7) The names and addresses of all persons who are:
- 338 (A) With respect to the auctioneer's business if it is not a corporation, the partners,
- 339 members, officers, managers, associates, or profit sharers of the business; and
- 340 (B) With respect to a corporation employing the auctioneer, the officers, directors, and
- 341 any shareholder of the corporation having an interest of 5 percent or greater;
- 342 (8) Whether the applicant or any person named pursuant to paragraph (7) of this Code
- 343 section has been convicted of a crime that, if committed in this state, would be a crime
- 344 involving moral turpitude or a felony, and identify the crime;

345 (9) Whether there has been any administrative or judicial determination that the applicant
346 or any person named pursuant to paragraph (7) of this Code section has made a false,
347 misleading, deceptive, or fraudulent representation;

348 (10) Any sanction, suspension, or disciplinary action taken against the applicant or any
349 person named pursuant to paragraph (7) of this Code section arising out of occupational
350 or professional conduct; and

351 (11) Whether there has been any denial of an application for, suspension or revocation
352 of, or refusal to renew the registration or licensure of the applicant or any person named
353 pursuant to paragraph (7) of this Code section as an auctioneer in any state.

354 43-6-6.

355 (a) Except as otherwise provided in subsection (b) of this Code section, the Secretary of
356 State shall issue a certificate of registration to an individual who complies with Code
357 Section 43-6-5.

358 (b) The Secretary of State may refuse to issue a certificate of registration if it is determined
359 that the applicant has engaged in conduct that has a significant adverse effect on the
360 applicant's fitness to act as an auctioneer. In making the determination, the Secretary of
361 State may consider whether the applicant has:

362 (1) Been convicted of a crime that, if committed in this state, would be a crime involving
363 moral turpitude or a felony;

364 (2) Made a material false, misleading, deceptive, or fraudulent representation in the
365 application or as an auctioneer;

366 (3) Engaged in conduct that would disqualify the applicant from serving in a fiduciary
367 capacity;

368 (4) Engaged in conduct prohibited by this chapter;

369 (5) Had a registration or licensure as an auctioneer suspended, revoked, or denied or
370 been refused renewal of registration or licensure as an auctioneer in any state; or

371 (6) Engaged in conduct that significantly adversely reflects on the applicant's credibility,
372 honesty, or integrity.

373 (c) In making a determination under subsection (b) of this Code section, the Secretary of
374 State shall consider:

375 (1) How recently the conduct occurred;

376 (2) The nature of the conduct and the context in which it occurred; and

377 (3) Any other relevant conduct of the applicant.

378 (d) The refusal to grant a registration as provided in this Code section shall not be
379 considered to be a contested case within the meaning of Chapter 13 of Title 50, the
380 'Georgia Administrative Procedure Act,' and notice and hearing within the meaning of such
381 chapter shall not be required in connection with such refusal. Notice of refusal to grant a
382 registration shall be sent by registered mail or statutory overnight delivery or personal
383 service setting forth the particular reasons for the refusal. The written notice shall be sent
384 to the applicant's address of record with the Secretary of State, and the applicant shall be
385 allowed to appear before the Secretary of State if the applicant requests to do so in writing.

386 (e) An auctioneer may apply to renew a registration by submitting an application for
387 renewal in a form prescribed by the Secretary of State. An application filed under this
388 subsection is a public record.

389 (f) A certificate of registration or a renewal of a registration shall be valid for a period of
390 up to two years.

391 43-6-7.

392 (a) The Secretary of State may suspend, revoke, or refuse to renew a registration or may
393 discipline an individual registered under this chapter for conduct that would have justified
394 denial of registration under Code Section 43-6-6.

395 (b) The Secretary of State may discipline, suspend, revoke, or refuse to renew a certificate
396 of registration only after proper notice and an opportunity for a hearing.

397 (c) Except as otherwise provided, the provisions of Chapter 13 of Title 50, the 'Georgia
398 Administrative Procedure Act,' shall be applicable to the provisions of this chapter and to
399 the Secretary of State in carrying out the provisions of this chapter.

400 43-6-8.

401 (a) An application for registration or renewal of registration shall be accompanied by such
402 fee as shall be prescribed by the Secretary of State and a renewal bond, if applicable. The
403 fee shall be the same for all applicants regardless of previous or current registrations or
404 licenses in other states or jurisdictions as an auctioneer.

405 (b) Notwithstanding subsection (a) of Code Section 43-6-4, an individual who was
406 licensed as an auctioneer in this state on June 30, 2026, shall be permitted to engage in
407 auctioneering under such license until September 30, 2026, after which such individual
408 shall be required to hold a certificate of registration issued in accordance with the
409 provisions of this chapter to engage in such auctioneering; provided, however, that such
410 individual shall not be required to pay an application fee in connection with his or her
411 initial application for registration under this chapter if such individual submits such
412 application on or before September 30, 2026.

413 43-6-9.

414 The Secretary of State may issue a temporary certificate of registration while an application
415 for registration or renewal of registration is pending, upon receipt by the Secretary of State
416 of a completed application for registration, surety bond, and fee and after approval by the
417 Secretary of State. The Secretary of State may in his or her discretion issue a temporary
418 registration to the applicant, which registration shall have the same force and effect as a
419 permanent registration for such period of time prescribed by the Secretary of State, after
420 which the temporary registration shall become void. A temporary registration may be
421 voided by the Secretary of State at any time.

422 43-6-10.

423 (a) An auctioneer shall deposit or have deposited with the Secretary of State, prior to the
424 issuance of a registration or renewal of a registration, a surety bond in the penal sum of not
425 less than \$10,000.00, as established by the Secretary of State. Such surety bond shall be
426 executed in the favor of the state with a surety company authorized to do business in this
427 state and conditioned to pay damages in the amount of such bond to any person aggrieved
428 by any act of the principal named in such bond, which act is in violation of Code Section
429 43-6-11 or would be grounds for revocation of a registration under this chapter.

430 (b) If any auctioneer fails to maintain such bond so as to comply with the provisions of this
431 Code section, the registration issued to the auctioneer shall be suspended until such time
432 as a new bond is obtained. An auctioneer whose registration is suspended pursuant to this
433 Code section shall not engage in any auctioneering during the period of suspension.

434 43-6-11.

435 (a) An auctioneer shall not, in connection with any auctioneering:

436 (1) Make any substantial misrepresentation while describing any property, real or
437 personal; use any false, deceptive, misleading, or untruthful advertising; or make any
438 statements, either in person or through any form of advertising, which may create false
439 or unjustified expectations of the services to be performed;

440 (2) Pursue a continued and flagrant course of misrepresentation or make false promises
441 through agents;

442 (3) Advertise an auction to be an absolute auction with intent to conduct it as an auction
443 with reserve or otherwise; or

444 (4) Fail to account for or remit, within 30 days unless otherwise provided by contract,
445 any money belonging to others that comes into his or her possession, commingle funds
446 of others with his or her own, or fail to keep such funds of others in an escrow or trust
447 account.

448 (b) It shall be unlawful for any auctioneer to act as an auctioneer in the sale of real
449 property unless such auctioneer is also licensed as a real estate broker, associate broker, or
450 salesperson under Chapter 40 of this title; provided, however, that any auctioneer who was
451 licensed as such by this state prior to July 1, 1978, shall not be required to meet the
452 provisions of this subsection, but such auctioneer shall not thereby be construed to be a real
453 estate broker, associate broker, or salesperson under Chapter 40 of this title.

454 43-6-12.

455 The Secretary of State may assess a civil penalty against an auctioneer not to exceed
456 \$10,000.00 for a violation of this chapter.

457 43-6-13.

458 (a) Any and all moneys held in the auctioneers education, research, and recovery fund
459 established and maintained pursuant to the provisions of this chapter as they existed on
460 June 30, 2026, shall be transferred to the general fund of the state treasury and, except as
461 provided in subsection (b) of this Code section, on or after July 1, 2026, no person shall
462 have a claim against such moneys or be entitled to the payment of any sum from such fund.

463 (b) Any person who filed a claim against the auctioneers education, research, and recovery
464 fund on or before June 30, 2026, may continue to pursue such claim in accordance with the
465 provisions of this chapter as they existed on such date and, if any payment is awarded on
466 any such claim, such payment shall be made from the general fund of the state treasury.

467 43-6-14.

468 Nothing in this chapter shall prohibit any lawful regulation or licensing of auctioneers by
469 any municipality, county, or other political subdivision of this state."

470 **SECTION 2-2.**

471 Said title is further amended in Code Section 43-10A-5, relating to powers and duties of the
472 Georgia Composite Board of Professional Counselors, Social Workers, and Marriage and
473 Family Therapists, quorum, and meetings, by revising subsection (c) as follows:

474 "~~(c) Unless specifically delegated to a standards committee pursuant to Code Section~~
475 ~~43-10A-6, the~~ The board shall have the following powers and duties:

476 (1) To adopt, amend, and repeal such rules and regulations not inconsistent with this
477 article necessary for the proper administration and enforcement of this article;

478 (2) To issue, renew, and reinstate the licenses of duly qualified applicants for licensure
479 to practice a specialty in this state;

480 (3) To deny, suspend, revoke, or otherwise sanction licenses to practice a specialty in this
481 state;

482 (4) To initiate investigations for the purpose of discovering violations of this article;

483 (5) To conduct hearings upon charges calling for the discipline of a licensee or on
484 violations of this article;

485 (6) To issue to specialists licensed under this article certificates under the seal of the
486 board evidencing such licensure and signed, either by hand or facsimile signature, by the
487 chairperson of the board and the division director;

488 (7) To adopt a seal; and

489 (8) To do all other things necessary to administer and enforce this article and all rules
490 and regulations adopted by the board pursuant to this article."

491 **SECTION 2-3.**

492 Said title is further amended by repealing in its entirety Code Section 43-10A-6, relating to
493 separate standards committees for professional counseling specialty, social work specialty,
494 and marriage and family therapy specialty, and designating said Code section as reserved.

495 **SECTION 2-4.**

496 Said title is further amended by repealing in its entirety Chapter 19, relating to geologists,
497 and enacting a new Chapter 19 to read as follows:

498 "CHAPTER 19

499 43-19-1.

500 This chapter shall be known and may be cited as the 'Georgia Geologists Registration Act.'

501 43-19-2.

502 As used in this chapter, the term:

503 (1) 'Geologist' means a person engaged in the practice of geology.

504 (2) 'Geology' means that science which treats of the earth in general; investigation of the
505 earth's crust and the rocks and other materials which compose it; and the applied science
506 of utilizing knowledge of the earth and its constituent rocks, minerals, liquids, gases, and
507 other materials for the benefit of mankind.

508 (3) 'Public practice of geology' means the performance of geological service or work
509 such as consultation, investigation, surveys, evaluation, planning, mapping, and
510 inspection of geological work in which the performance is related to public welfare or
511 safeguarding of life, health, property, and the environment, except as specifically
512 exempted by this chapter. A person shall be construed to practice publicly or offer to
513 practice publicly geology, within the meaning and intent of this chapter, who practices
514 any branch of the profession of geology; or who by verbal claim, sign, advertisement,
515 letterhead, card, or in any other way represents themselves to be a geologist; or through
516 the use of some other title implies that he or she is a geologist; or that he or she is
517 registered under this chapter; or who holds themselves out as able to perform or who does
518 perform any geological services or work recognized as geology.

- 519 (4) 'Registration' means registration as a geologist pursuant to this chapter.
520 (5) 'Responsible charge of work' means the independent control and direction, by the use
521 of initiative, skill, and independent judgment, of geological work or the supervision of
522 such work.
523 (6) 'Secretary of State' means the Secretary of State of the State of Georgia or his or her
524 designee.
525 (7) 'State' means a state of the United States, the District of Columbia, Puerto Rico, the
526 United States Virgin Islands, or any territory or insular possession subject to the
527 jurisdiction of the United States.
528 (8) 'Subordinate' means any person who assists a registered geologist or a registered
529 engineer in the practice of geology without assuming the responsible charge of work.

530 43-19-3.

531 By engaging in the public practice of geology in this state, a nonresident individual
532 appoints the Secretary of State as the individual's agent for service of process in any civil
533 action in this state related to the individual's public practice of geology in this state.

534 43-19-4.

535 (a) Except as otherwise provided in subsection (b) of this Code section, an individual shall
536 not engage in the public practice of geology in this state without holding a certificate of
537 registration under this chapter.

538 (b) The provisions of this chapter shall not apply to any individual who is:

539 (1) Engaged in the practice of any profession or trade for which a license is required
540 under any other law of this state, including, without limitation, registered professional
541 engineers lawfully practicing soil mechanics, foundation engineering, and other
542 professional engineering as provided in this title; or licensed architects lawfully
543 practicing architecture as provided in this title;

544 (2) Engaged solely in teaching the science of geology or engaged in nonpublic geologic
545 research in this state;

546 (3) An officer or employee of the United States or this state practicing geology solely as
547 such officer or employee; and

548 (4) A subordinate to a geologist registered under this chapter, insofar as he or she acts
549 solely in such capacity. This exemption, however, does not permit any such subordinate
550 to practice geology for others in his or her own right or use the title 'registered geologist.'

551 43-19-5.

552 An applicant for registration shall submit an application to the Secretary of State in a form
553 prescribed by the Secretary of State. An application filed under this Code section is a
554 public record. The application shall be in the name of an individual and state or contain
555 the following and any other information required by the Secretary of State:

556 (1) The name of the applicant and the address of the applicant's residence and principal
557 place of business;

558 (2) The name of the applicant's business or employer, if applicable;

559 (3) Any business or occupation engaged in by the applicant for the five years next
560 preceding the date of submission of the application;

561 (4) A description of the applicant's:

562 (A) Formal training as a geologist;

563 (B) Practical experience as a geologist; and

564 (C) Educational background relating to the applicant's activities as a geologist;

565 (5) The names and addresses of three individuals not related to the applicant who are
566 willing to serve as references;

567 (6) The names and addresses of all persons who are:

568 (A) With respect to the geologist's business if it is not a corporation, the partners,
569 members, officers, managers, associates, or profit sharers of the business; and

570 (B) With respect to a corporation employing the geologist, the officers, directors, and
571 any shareholder of the corporation having an interest of 5 percent or greater;
572 (7) Whether the applicant or any person named pursuant to paragraph (6) of this Code
573 section has been convicted of a crime that, if committed in this state, would be a crime
574 involving moral turpitude or a felony, and identify the crime;
575 (8) Whether there has been any administrative or judicial determination that the applicant
576 or any person named pursuant to paragraph (6) of this Code section has made a false,
577 misleading, deceptive, or fraudulent representation;
578 (9) Any sanction, suspension, or disciplinary action taken against the applicant or any
579 person named pursuant to paragraph (6) of this Code section arising out of occupational
580 or professional conduct; and
581 (10) Whether there has been any denial of an application for, suspension or revocation
582 of, or refusal to renew the registration or licensure of the applicant or any person named
583 pursuant to paragraph (6) of this Code section as a geologist in any state.

584 43-19-6.

585 (a) Except as otherwise provided in subsection (b) of this Code section, the Secretary of
586 State shall issue a certificate of registration to an individual who complies with Code
587 Section 43-19-5.

588 (b) The Secretary of State may refuse to issue a certificate of registration if it is determined
589 that the applicant has engaged in conduct that has a significant adverse effect on the
590 applicant's fitness to engage in the public practice of geology. In making the
591 determination, the Secretary of State may consider whether the applicant has:

592 (1) Been convicted of a crime that, if committed in this state, would be a crime involving
593 moral turpitude or a felony;

594 (2) Made a material false, misleading, deceptive, or fraudulent representation in the
595 application or as a geologist;

- 596 (3) Engaged in conduct prohibited by this chapter;
597 (4) Had a registration or licensure as a geologist suspended, revoked, or denied or been
598 refused renewal of registration or licensure as a geologist in any state; or
599 (5) Engaged in conduct that significantly adversely reflects on the applicant's credibility,
600 honesty, or integrity.
- 601 (c) In making a determination under subsection (b) of this Code section, the Secretary of
602 State shall consider:
- 603 (1) How recently the conduct occurred;
604 (2) The nature of the conduct and the context in which it occurred; and
605 (3) Any other relevant conduct of the applicant.
- 606 (d) The refusal to grant a registration as provided in this Code section shall not be
607 considered to be a contested case within the meaning of Chapter 13 of Title 50, the
608 'Georgia Administrative Procedure Act,' and notice and hearing within the meaning of such
609 chapter shall not be required in connection with such refusal. Notice of refusal to grant a
610 registration shall be sent by registered mail or statutory overnight delivery or personal
611 service setting forth the particular reasons for the refusal. The written notice shall be sent
612 to the applicant's address of record with the Secretary of State, and the applicant shall be
613 allowed to appear before the Secretary of State if the applicant requests to do so in writing.
- 614 (e) A geologist may apply to renew a registration by submitting an application for renewal
615 in a form prescribed by the Secretary of State. An application filed under this subsection
616 is a public record.
- 617 (f) A certificate of registration or a renewal of a registration shall be valid for a period of
618 up to two years.

619 43-19-7.

620 (a) The Secretary of State may suspend, revoke, or refuse to renew a registration or may
621 discipline an individual registered under this chapter for conduct that would have justified
622 denial of registration under Code Section 43-19-6.

623 (b) The Secretary of State may discipline, suspend, revoke, or refuse to renew a certificate
624 of registration only after proper notice and an opportunity for a hearing.

625 (c) Except as otherwise provided, the provisions of Chapter 13 of Title 50, the 'Georgia
626 Administrative Procedure Act,' shall be applicable to the provisions of this chapter and to
627 the Secretary of State in carrying out the provisions of this chapter.

628 43-19-8.

629 (a) An application for registration or renewal of registration shall be accompanied by such
630 fee as shall be prescribed by the Secretary of State. The fee shall be the same for all
631 applicants regardless of previous or current registrations or licenses in other states or
632 jurisdictions as a geologist.

633 (b) Notwithstanding subsection (a) of Code Section 43-19-4, an individual who was
634 registered as a geologist in this state on June 30, 2026, shall be permitted to engage in the
635 public practice of geology under such registration until September 30, 2026, after which
636 such individual shall be required to hold a certificate of registration issued in accordance
637 with the provisions of this chapter to engage in such public practice of geology; provided,
638 however, that such individual shall not be required to pay an application fee in connection
639 with his or her initial application for registration under this chapter if such individual
640 submits such application on or before September 30, 2026.

641 43-19-9.

642 The Secretary of State may issue a temporary certificate of registration while an application
643 for registration or renewal of registration is pending, upon receipt by the Secretary of State

644 of a completed application for registration and fee and after approval by the Secretary of
645 State. The Secretary of State may in his or her discretion issue a temporary registration to
646 the applicant, which registration shall have the same force and effect as a permanent
647 registration for such period of time prescribed by the Secretary of State, after which the
648 temporary registration shall become void. A temporary registration may be voided by the
649 Secretary of State at any time.

650 43-19-10.

651 Each registrant under this chapter, upon issuance of a certificate of registration, may use
652 a seal of such design as is authorized by the Secretary of State, bearing the registrant's
653 name and the legend 'Registered Geologist.' All drawings, reports, or other geologic papers
654 or documents involving the public practice of geology which have been prepared or
655 approved by such registrant or a subordinate employee under his or her direction for the
656 use of or for delivery to any person or for public record within this state shall be signed by
657 the registrant and impressed with the seal provided for in this Code section, which shall
658 indicate his or her responsibility for them.

659 43-19-11.

660 (a) It shall be unlawful for any person other than a geologist registered under this chapter
661 or a subordinate under his or her direction prepare any geologic plans, reports, or
662 documents in which the performance is related to the public welfare or safeguarding of life,
663 health, property, or the environment.

664 (b) It shall be unlawful for anyone other than a geologist registered under this chapter to
665 stamp or seal any plans, plats, reports, or other documents with the seal or stamp of a
666 registered geologist or to use in any manner the title 'registered geologist' unless registered
667 under this chapter.

668 (c) It shall be unlawful for any person to affix his or her signature or to stamp or seal any
669 plans, plats, reports, or other documents after the certificate of registration of the registrant
670 named thereon has expired or has been suspended or revoked unless the certificate has been
671 renewed or reissued.

672 43-19-12.

673 The Secretary of State may assess a civil penalty against a geologist not to exceed
674 \$10,000.00 for a violation of this chapter.

675 43-19-13.

676 Nothing in this chapter shall prohibit any lawful regulation or licensing of geologist by any
677 municipality, county, or other political subdivision of this state."

678 **SECTION 2-5.**

679 Said title is further amended by repealing in its entirety Chapter 20, relating to hearing aid
680 dealers and dispensers, and enacting a new Chapter 20 to read as follows:

681 "CHAPTER 20

682 43-20-1.

683 This chapter shall be known and may be cited as the 'Georgia Hearing Aid Dealers and
684 Dispensers Registration Act.'

685 43-20-2.

686 As used in this chapter, the term:

687 (1) 'Hearing aid dealer' means an individual engaged in the practice of dispensing
688 hearing aids in this state.

689 (2) 'Hearing aid device or instrument,' 'hearing aid,' or 'aid' means any wearable
690 electronic instrument or device designed for or represented or offered for the purpose of
691 compensating for defective human hearing, including parts, attachments, ear molds, and
692 accessories, except batteries, cords, replacement tubing, and minor service limited to the
693 removal of battery corrosion.

694 (3) 'Practice of dispensing hearing aids' means the providing of a hearing aid to a
695 consumer by sale, rental, lease, or otherwise and the conducting of tests and other
696 procedures to determine suitability for use of a hearing aid, to determine hearing aid
697 characteristics which properly compensate for the hearing condition, to select suitable
698 aids, to fit aids to the consumer, and to counsel and instruct in the use thereof.

699 (4) 'Registration' means registration as a hearing aid dealer pursuant to this chapter.

700 (5) 'Secretary of State' means the Secretary of State of the State of Georgia or his or her
701 designee.

702 (6) 'State' means a state of the United States, the District of Columbia, Puerto Rico, the
703 United States Virgin Islands, or any territory or insular possession subject to the
704 jurisdiction of the United States.

705 43-20-3.

706 By acting as a hearing aid dealer in this state, a nonresident individual appoints the
707 Secretary of State as the individual's agent for service of process in any civil action in this
708 state related to the individual's practice of dispensing hearing aids.

709 43-20-4.

710 (a) Except as otherwise provided in subsection (b) of this Code section, an individual shall
711 not engage in the practice of dispensing hearing aids in this state without holding a
712 certificate of registration under this chapter.

713 (b) The provisions of this chapter shall not apply to any individual:

- 714 (1) Who is a physician licensed to practice medicine in this state or who is licensed as
715 an audiologist under Chapter 44 of this title;
716 (2) Who is licensed under any other law of this state and operating within the scope of
717 such license, provided that such individual does not engage in the sale, rental, or lease of
718 hearing aids;
719 (3) Working as an employee of a federal, state, county, or municipal agency or a duly
720 chartered educational institution or a training center, provided that such individual does
721 not engage in the sale, rental, or lease of hearing aids; or
722 (4) Who is working under the direct supervision of a hearing aid dealer who holds a
723 certificate of registration.

724 43-20-5.

725 An applicant for registration shall submit an application to the Secretary of State in a form
726 prescribed by the Secretary of State. An application filed under this Code section is a
727 public record. The application shall be in the name of an individual and state or contain
728 the following and any other information required by the Secretary of State:

- 729 (1) The name of the applicant and the address of the applicant's residence and principal
730 place of business;
731 (2) The name of the applicant's business or employer, if applicable;
732 (3) Any business or occupation engaged in by the applicant for the five years next
733 preceding the date of submission of the application;
734 (4) A description of the applicant's:
735 (A) Formal training as a hearing aid dealer;
736 (B) Practical experience as a hearing aid dealer; and
737 (C) Educational background relating to the applicant's activities as a hearing aid dealer;
738 (5) The names and addresses of three individuals not related to the applicant who are
739 willing to serve as references;

- 740 (6) The names and addresses of all persons who are:
741 (A) With respect to the hearing aid dealer's business if it is not a corporation, the
742 partners, members, officers, managers, associates, or profit sharers of the business; and
743 (B) With respect to a corporation employing the hearing aid dealer, the officers,
744 directors, and any shareholder of the corporation having an interest of 5 percent or
745 greater;
- 746 (7) Whether the applicant or any person named pursuant to paragraph (6) of this Code
747 section has been convicted of a crime that, if committed in this state, would be a crime
748 involving moral turpitude or a felony, and identify the crime;
- 749 (8) Whether there has been any administrative or judicial determination that the applicant
750 or any person named pursuant to paragraph (6) of this Code section has made a false,
751 misleading, deceptive, or fraudulent representation;
- 752 (9) Any sanction, suspension, or disciplinary action taken against the applicant or any
753 person named pursuant to paragraph (6) of this Code section arising out of occupational
754 or professional conduct; and
- 755 (10) Whether there has been any denial of an application for, suspension or revocation
756 of, or refusal to renew the registration or licensure of the applicant or any person named
757 pursuant to paragraph (6) of this Code section as a hearing aid dealer in any state.

758 43-20-6.

759 (a) Except as otherwise provided in subsection (b) of this Code section, the Secretary of
760 State shall issue a certificate of registration to an individual who complies with Code
761 Section 43-20-5.

762 (b) The Secretary of State may refuse to issue a certificate of registration if it is determined
763 that the applicant has engaged in conduct that has a significant adverse effect on the
764 applicant's fitness to act as a hearing aid dealer. In making the determination, the Secretary
765 of State may consider whether the applicant has:

- 766 (1) Been convicted of a crime that, if committed in this state, would be a crime involving
767 moral turpitude or a felony;
- 768 (2) Made a material false, misleading, deceptive, or fraudulent representation in the
769 application or as a hearing aid dealer;
- 770 (3) Engaged in conduct prohibited by this chapter;
- 771 (4) Had a registration or licensure as a hearing aid dealer suspended, revoked, or denied
772 or been refused renewal of registration or licensure as a hearing aid dealer in any state;
773 or
- 774 (5) Engaged in conduct that significantly adversely reflects on the applicant's credibility,
775 honesty, or integrity.
- 776 (c) In making a determination under subsection (b) of this Code section, the Secretary of
777 State shall consider:
- 778 (1) How recently the conduct occurred;
- 779 (2) The nature of the conduct and the context in which it occurred; and
- 780 (3) Any other relevant conduct of the applicant.
- 781 (d) The refusal to grant a registration as provided in this Code section shall not be
782 considered to be a contested case within the meaning of Chapter 13 of Title 50, the
783 'Georgia Administrative Procedure Act,' and notice and hearing within the meaning of such
784 chapter shall not be required in connection with such refusal. Notice of refusal to grant a
785 registration shall be sent by registered mail or statutory overnight delivery or personal
786 service setting forth the particular reasons for the refusal. The written notice shall be sent
787 to the applicant's address of record with the Secretary of State, and the applicant shall be
788 allowed to appear before the Secretary of State if the applicant requests to do so in writing.
- 789 (e) A hearing aid dealer may apply to renew a registration by submitting an application for
790 renewal in a form prescribed by the Secretary of State. An application filed under this
791 subsection is a public record.

792 (f) A certificate of registration or a renewal of a registration shall be valid for a period of
793 up to two years.

794 43-20-7.

795 (a) The Secretary of State may suspend, revoke, or refuse to renew a registration or may
796 discipline an individual registered under this chapter for conduct that would have justified
797 denial of registration under Code Section 43-20-6.

798 (b) The Secretary of State may discipline, suspend, revoke, or refuse to renew a certificate
799 of registration only after proper notice and an opportunity for a hearing.

800 (c) Except as otherwise provided, the provisions of Chapter 13 of Title 50, the 'Georgia
801 Administrative Procedure Act,' shall be applicable to the provisions of this chapter and to
802 the Secretary of State in carrying out the provisions of this chapter.

803 43-20-8.

804 (a) An application for registration or renewal of registration shall be accompanied by such
805 fee as shall be prescribed by the Secretary of State. The fee shall be the same for all
806 applicants regardless of previous or current registrations or licenses in other states or
807 jurisdictions as a hearing aid dealer.

808 (b) Notwithstanding subsection (a) of Code Section 43-20-4, an individual who was
809 licensed as a hearing aid dealer in this state on June 30, 2026, shall be permitted to engage
810 in the practice of dispensing hearing aids under such license until September 30, 2026, after
811 which such individual shall be required to hold a certificate of registration issued in
812 accordance with the provisions of this chapter to engage in such practice of dispensing
813 hearing aids; provided, however, that such individual shall not be required to pay an
814 application fee in connection with his or her initial application for registration under this
815 chapter if such individual submits such application on or before September 30, 2026.

816 43-20-9.

817 The Secretary of State may issue a temporary certificate of registration while an application
818 for registration or renewal of registration is pending, upon receipt by the Secretary of State
819 of a completed application for registration and fee and after approval by the Secretary of
820 State. The Secretary of State may in his or her discretion issue a temporary registration to
821 the applicant, which registration shall have the same force and effect as a permanent
822 registration for such period of time prescribed by the Secretary of State, after which the
823 temporary registration shall become void. A temporary registration may be voided by the
824 Secretary of State at any time.

825 43-20-10.

826 A hearing aid dealer shall not, in connection with the practice of dispensing hearing aids:
827 (1) Engage in fraud or make any substantial misrepresentation;
828 (2) Use, or cause or promote the use of, any advertising material, promotional literature,
829 testimonial, guarantee, warranty, label, brand, insignia, or any other representation,
830 however disseminated or published, which is misleading, deceptive, or untruthful;
831 (3) Advertise a particular model or type of hearing aid for sale when purchasers or
832 prospective purchasers responding to the advertisement cannot purchase the advertised
833 model or type and where it is determined that the purchase of the advertisement is to
834 obtain prospects for the sale of a different model or type than that advertised; or
835 (4) Represent that the services or advice of a licensed physician or an audiologist will be
836 used or made available in the selection, adjustment, maintenance, or repair of hearing aids
837 when that is not true or use the words 'hearing center,' 'doctor,' 'ear specialist,' 'clinic,'
838 'clinical audiologists,' 'state licensed clinic,' 'state registered,' 'state certified,' 'state
839 approved,' or any other term, abbreviation, or symbol when it would falsely give the
840 impression that one is being treated medically or that the hearing aid dealer's services
841 have been recommended by the state.

842 (5) Represent or imply that a hearing aid device or instrument is or will be 'custom
843 made,' 'made to order,' 'prescription made,' or in any other sense specially fabricated for
844 an individual person when such is not the case;

845 (6) Represent that a recommendation for a specific brand or model aid or source of
846 product or service has resulted from an unbiased or impartial process when such is not
847 the case;

848 (7) Advertise a manufacturer's product or use a manufacturer's name or trademark which
849 implies a relationship with the manufacturer that does not exist;

850 (8) Give or receive, directly or indirectly, or offer to give or receive money or anything
851 of value to any person who advises another in a professional capacity as an inducement
852 to influence or have such person influence others to purchase or contract to purchase any
853 product sold or offered for sale by the hearing aid dealer or to influence persons to refrain
854 from dealing in the products of competitors; or

855 (9) Select or fit a hearing aid for a person who has not been given the appropriate tests
856 utilizing procedures and instrumentation as specified by this chapter or by the rules and
857 regulations of the Secretary of State.

858 43-20-11.

859 The Secretary of State may assess a civil penalty against a hearing aid dealer not to exceed
860 \$10,000.00 for a violation of this chapter.

861 43-20-12.

862 Nothing in this chapter shall prohibit any lawful regulation or licensing of hearing aid
863 dealers by any municipality, county, or other political subdivision of this state."

864

PART III

865

SECTION 3-1.

866 Title 43 of the Office Code of Georgia Annotated, relating to professions and businesses,
867 is amended in Code Section 43-47-10, relating to investigations of licensees by board,
868 suspension or revocation of license, and other sanctions, by revising division (iii) of
869 subparagraph (P) of paragraph (1) as follows:

870

"(iii) A violation of this subparagraph shall also be grounds for suspension or censure
871 of a ~~license under Code Section 43-6-18~~ certificate of registration issued under
872 Chapter 6 of this title, and any auction violating this subparagraph may be required
873 by the board to surrender its master tag;"

874

PART IV

875

SECTION 4-1.

876 This Act shall become effective on July 1, 2026.

877

SECTION 4-2.

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