

The House Committee on Regulated Industries offers the following substitute to HB 630:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapters 7A and 47 of Title 43 of the Official Code of Georgia Annotated,
2 relating to practice of applied behavior analysis and used motor vehicle and used motor
3 vehicle parts dealers, respectively, so as to revise provisions relating to professional
4 licensure; to revise the definition of "certifying entity"; to remove the used car division and
5 the used parts division of the State Board of Registration of Used Motor Vehicle Dealers and
6 Used Motor Vehicle Parts Dealers; to confer the powers and duties of such divisions to the
7 board; to revise the membership of the board; to revise the powers and duties of the board;
8 to revise and clarify provisions relating to applications for and requirements of licenses; to
9 revise provisions relating to the change of location by licensees; to revise and provide for
10 definitions; to make conforming changes; to provide for related matters; to repeal conflicting
11 laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I
SECTION 1-1.

Chapter 47 of Title 43 of the Official Code of Georgia Annotated, relating to used motor vehicle and used motor vehicle parts dealers, is amended in Code Section 43-47-2, relating to definitions, by revising paragraph (3) and subparagraph (A) of paragraph (17) and adding a new paragraph to read as follows:

"(2.1) 'Division director' shall have the same meaning as set forth in Code Section 43-1-1.

(3) 'Established place of business' means a salesroom or sales office in a building or on an open lot of a retail used car dealership or at which a permanent business of bartering, trading, offering, displaying, selling, buying, dismantling, or rebuilding wrecked or used motor vehicles or parts is carried on, or the place at which the books, records, and files necessary to conduct such business are kept. Each such place of business shall be furnished with a working telephone listed in the name of the licensee for use in conducting the business, ~~and shall~~ be marked by an appropriate permanent sign as prescribed by the ~~appropriate division under this chapter~~ board, and meet or exceed any size requirements and standards prescribed by the board."

"(17)(A) 'Used motor vehicle dealer' or 'used car dealer' ~~'Used motor vehicle dealer,' 'used car dealer,' or 'licensee'~~ means any person who, for commission or with intent to make a profit or gain of money or other thing of value, sells, exchanges, rents with option to purchase, offers, or attempts to negotiate a sale or exchange of an interest in used motor vehicles or who is engaged wholly or in part in the business of selling used motor vehicles, whether or not such motor vehicles are owned by such person. A motor vehicle wholesaler and a motor vehicle broker shall be deemed to be a used motor vehicle dealer or a used car dealer for the purposes of this chapter. Any independent motor vehicle leasing agency which sells or offers for sale used motor vehicles shall be

deemed to be a used motor vehicle dealer or a used car dealer for the purposes of this chapter. Any motor vehicle auction company selling or offering for sale used motor vehicles to independent motor vehicle dealers or to individual consumers shall be deemed to be a used motor vehicle dealer or used car dealer for the purposes of this chapter except as otherwise provided in division (x) of subparagraph (B) of this paragraph. Without limiting any of the foregoing, the sale of five or more used motor vehicles in any one calendar year shall be prima-facie evidence that a person is engaged in the business of selling used motor vehicles. A pawnbroker who disposes of all repossessed motor vehicles by selling or exchanging his or her interest in such motor vehicles only to licensees under this chapter shall not be considered a used motor vehicle dealer under this chapter as long as such pawnbroker does not otherwise engage in activities which would bring him or her under the licensing requirements of this chapter."

SECTION 1-2.

Said chapter is further amended by revising Code Section 43-47-3, relating to creation of board, composition, terms of office, vacancies, election of chairperson, and divisions, as follows:

"43-47-3.

(a) There is created a State Board of Registration of Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers. The board shall be ~~comprised of 14~~ composed of ten members:

(1) Three members shall be independent used car dealers;

(2) One member ~~Three members~~ shall be appointed from the public at large and shall have no connection whatsoever with the sale of used cars or parts;

(3) The state revenue commissioner, or a designated agent, shall be a permanent ex officio member and shall be authorized to vote on all matters before the board;

~~(4) Reserved;~~

~~(5)~~(4) One member shall be a representative of the automobile auction industry;

~~(6) One member shall be an auto salvage pool operator;~~

~~(7)~~(5) Two Three members shall be used motor vehicle parts dealers ~~who are not~~ rebuilders; and

~~(8) One member shall be a rebuilder;~~

~~(9) One member shall be a pawnbroker as defined in Code Section 44-12-130 who is in the business of pawning automobile titles and is licensed as a used car dealer; and~~

~~(10)~~(6) One member shall be a representative of the automobile insurance industry.

(b) The members of the board ~~referred to in paragraphs (1), (2), (5), (6), (7), (8), (9), and (10) of subsection (a) of this Code section~~ shall be appointed by the Governor and shall take office on July 1, 1995, or as soon thereafter as appointed. The initial terms of those 13 appointed members shall expire as follows: ~~three on June 30, 1996; three on June 30, 1997; three on June 30, 1998; and four on June 30, 1999. Thereafter, the appointed members of the board shall serve terms of four years. All members shall be residents of this state. No more than two of the appointed members shall be from the same congressional district. The terms of the two ex officio members~~ The term of the ex officio member shall be coextensive with ~~their~~ his or her term of office.

(b.1) Notwithstanding the provisions of subsection (a) of this Code section, all members serving on the board as of June 30, 2025, shall continue to serve as members of the board for the remainder of their terms of office but shall only be reappointed in accordance with the provisions of this Code section.

(c) Any vacancies on the board shall be filled by the Governor for the remainder of the unexpired term. The members of the board shall annually elect one of their number to serve as chairperson for a term of two years. ~~The board chairperson shall not also serve contemporaneously as the chairperson of either division under this chapter. The first term as chairperson of the board shall be served by a member or members elected from either~~

92 ~~division under this chapter; thereafter, the chairperson for each succeeding term shall not~~
93 ~~be elected from the same division as that of the chairperson from the immediately~~
94 ~~preceding term. In the event a chairperson of the board is unable to complete his or her~~
95 ~~term, his or her a successor for the remainder of the term shall be elected from the members~~
96 ~~of the board same division as was the chairperson who is unable to complete the term. The~~
97 ~~chairperson of the board shall be an ex officio member of both divisions under this chapter;~~
98 ~~however, the chairperson of the board shall not be counted for purposes of determining~~
99 ~~whether a quorum is present in the division meeting for the division in which he or she is~~
100 ~~not a regular member.~~

101 ~~(d)(1) The board shall be composed of two divisions, a used car division and a used parts~~
102 ~~division.~~

103 ~~(2) The members of the used car division shall be the three independent used car dealers;~~
104 ~~two of the members from the public at large, the state revenue commissioner or a~~
105 ~~designated agent, the representative of the automobile auction industry, and the~~
106 ~~pawnbroker. All powers and duties relating to used car dealers which are not specifically~~
107 ~~reserved to the board shall be assigned to the used car division. The used car division~~
108 ~~shall elect one of its members to serve as chairperson of the division for a period of one~~
109 ~~year.~~

110 ~~(3) The members of the used parts division shall be the third member from the public at~~
111 ~~large, the state revenue commissioner or a designated agent, the auto salvage pool~~
112 ~~operator, the two used motor vehicle parts dealers who are not rebuilders, the rebuilder,~~
113 ~~and the representative of the automobile insurance industry. All powers and duties~~
114 ~~relating to used parts dealers which are not specifically reserved to the board shall be~~
115 ~~assigned to the used parts division. The used parts division shall elect one of its members~~
116 ~~to serve as chairperson of the division for a period of one year.~~

~~(4) The chairperson of the board shall determine which of the two members from the public at large will serve in the used car division and which shall serve in the used parts division."~~

SECTION 1-3.

Said chapter is further amended by revising Code Section 43-47-4, relating to division director as secretary of board, as follows:

"43-47-4.

The division director shall be the secretary of the board ~~and of the divisions~~. He or she shall issue licenses and certificates and perform such other duties as the board ~~or the divisions~~ may direct to carry out this chapter or as provided in Chapter 1 of this title."

SECTION 1-4.

Said chapter is further amended by revising Code Section 43-47-5, relating to reimbursement of board members, as follows:

"43-47-5.

The members of the board shall be reimbursed for their duties as board members ~~and as division members~~ as provided for in subsection (f) of Code Section 43-1-2."

SECTION 1-5.

Said chapter is further amended by revising Code Section 43-47-6, relating to general powers and duties of the board, as follows:

"43-47-6.

~~All powers and duties under this chapter not specifically reserved to the board shall be the powers and duties of the division.~~ The board shall have the following powers and duties:

(1) To receive applications for registration of licensees ~~and to forward them to the appropriate division;~~

(2) To make such rules and regulations as may be necessary to effectuate the administration and enforcement of this chapter and to protect the health, safety, and financial well-being of the public;

(3) To arrange for all new applicants to have a criminal background check, which background check shall be mandatory. The applicant's fingerprints shall be forwarded to the Georgia Crime Information Center which shall run a criminal background check on the applicant and provide the results of the background check to the board. Additionally, the applicant's fingerprints will be forwarded to the Federal Bureau of Investigation for a national criminal history record check;

(4) To publish in print or electronically on or before September 1 of each year an alphabetical listing of all licensees pursuant to this chapter and to distribute copies of the same, if requested, to the Department of Public Safety, the Department of Revenue, and the Georgia Bureau of Investigation, to all sheriffs in this state, and to all county and municipal police departments in this state;

(5) To establish a fee for a license for each principal place of business and a fee for a supplemental license for each place of business not immediately adjacent to the principal place of business. The board may establish separate schedules of fees for such licenses depending on whether the applicant begins to do business as a licensee prior to or after the issuance of any such license; ~~and~~

(6) To do all other things necessary and proper to carry out the powers and duties listed in this Code section; and

(7) To set the minimum size requirements and standards of an established place of business."

SECTION 1-6.

Said chapter is further amended by revising Code Section 43-47-7, relating to required license and records, as follows:

"43-47-7.

(a) It shall be unlawful for any person to operate as a used motor vehicle dealer in this state without first registering and obtaining a license from the ~~used car division~~ board as provided in this chapter.

(b) It shall be unlawful for any person to operate as a used motor vehicle parts dealer in this state without first registering and obtaining a license from the ~~used parts division~~ board as provided in this chapter.

(c) It shall be unlawful for any used car dealer or any used parts dealer willfully to fail to keep the records required to be kept by this chapter."

SECTION 1-7.

Said chapter is further amended by repealing Code Section 43-47-8, relating to license applications, prerequisites, license fees, renewal, training or test, supplemental license, bonds, insurance, suspension for conviction or false statement, and meetings, and by enacting a new Code Section 43-47-8 to read as follows:

"43-47-8.

(a) Any person desiring a license to be a used motor vehicle dealer or a used motor vehicle parts dealer in this state shall submit an application on a form and in such manner as may be prescribed by the board, which shall be accompanied by any applicable fees and evidence satisfactory to the board that the applicant:

(1) Maintains an established place of business;

(2) Has, within the preceding 12 months, attended a board approved training and information seminar, which shall not exceed one day in length, or passed a board approved examination, either of which shall relate to the requirements of licensees provided in this chapter, including books and records to be kept, requirements of the Department of Revenue applicable to licensees, and such other topics as in the opinion of the board promote good business practices of licensees;

193 (3) Has applied for or obtained a certificate of registration, Department of Revenue
194 Form ST-2;

195 (4) Has posted or has made provision for the posting of the bond required under
196 subsection (d) of this Code section; and

197 (5) Maintains any liability and property damage insurance required under subsection (e)
198 of this Code section.

199 (b) Applications for a used motor vehicle dealer license or a used motor vehicle parts
200 dealer license shall be made under oath and shall state the applicant's full name; date and
201 place of birth; date and place of any conviction or arrest for any crime, including the plea
202 of nolo contendere or a plea entered pursuant to Article 3 of Chapter 8 of Title 42 or other
203 first offender treatment; and such additional information as the board may require to
204 investigate the qualifications, character, competence, and integrity of the applicant. Each
205 applicant shall submit with his or her application photographs or other renderings of his or
206 her established place of business that show the complete facility, appropriate sign, and
207 entire display area of the established place of business.

208 (c) Each applicant for a used motor vehicle dealer license or a used motor vehicle parts
209 dealer license shall furnish to the board a full set of fingerprints to enable a criminal
210 background investigation to be conducted on the applicant so as to determine the
211 applicant's suitability to be licensed under this chapter. The board shall submit the
212 applicant's fingerprints to the Georgia Crime Information Center. If no criminal record is
213 identified at the state level, the Georgia Crime Information Center is authorized to submit
214 the fingerprints to the Federal Bureau of Investigation for a national criminal history check.
215 The Georgia Crime Information Center shall notify the board in writing of the results of
216 such criminal background investigation, which shall be used by the board for the exclusive
217 purpose of carrying out its responsibilities under this chapter, shall not be a public record,
218 shall be privileged, and shall not be disclosed to any other person or agency. The applicant

shall be responsible for all fees associated with the performance of such background investigation.

(d)(1) Licensees shall be required, for each license or supplemental license issued in connection with an established place of business, to post a bond that is executed with a surety company duly authorized to do business in this state. Such bond shall be payable to the Governor for the use and benefit of any purchaser and vendees or successors in title of any used motor vehicle and shall be conditioned to pay all losses, damages, and expenses that may be sustained by such purchaser, his or her vendees, or successors in title that may be occasioned by reason of any misrepresentation, deceptive practice, or unfair practice or by reason of any breach of warranty as to such used vehicle. Such bond shall be in the amount of \$35,000.00 for used car dealers and \$10,000.00 for used parts dealers and shall be filed, prior to or immediately upon the granting of a license under this chapter, with the division director by the licensee and shall be approved by the division director as to form and as to the solvency of the surety.

(2) No licensee shall cancel, or cause to be canceled, a bond issued pursuant to this subsection unless the board is informed in writing by a certified letter at least 30 days prior to the proposed cancellation.

(3) If a surety or licensee cancels a bond issued pursuant to this subsection and the licensee fails to submit, within ten days of the effective date of the cancellation, a new bond, the board may revoke his or her license.

(e)(1) Except for any person licensed under Chapter 6 of this title, who shall be exempt from the requirements of this subsection, licensees shall maintain, for each license or supplemental license issued in connection with an established place of business, public liability and property damage insurance with liability limits of not less than \$50,000.00 per person and \$100,000.00 per accident, personal insurance liability coverage, and \$25,000.00 property damage liability coverage.

(2) No licensee shall cancel or cause to be canceled an insurance policy issued pursuant to this subsection unless the board is so informed in writing by certified mail at least 30 days prior to the proposed cancellation.

(3) If an insurance company or licensee cancels an insurance policy required under this subsection and the licensee fails to submit, within ten days of the effective date of such cancellation, a new insurance policy, the board may revoke his or her license.

(f)(1) Each license issued pursuant to this chapter shall be in connection with a single established place of business, and licensees shall be required to obtain a supplemental license for each additional established place of business that is operated or proposed to be operated by the licensee that is not contiguous to an established place of business for which a license or supplemental license has been issued; provided, however, that a supplemental license shall not be required for any temporary site of a licensee.

(2) A licensee applying for a supplemental license shall submit an application on a form and in such a manner as may be prescribed by the board accompanied by any applicable fees. Such application shall include:

(A) The licensee's license number;

(B) Photographs or other renderings of the licensee's additional established place of business for which a supplemental license is sought that shows the complete facility, appropriate sign, and entire display area of the additional established place of business;

(C) Evidence that the licensee has posted, or has made provision for the posting, of the bond required under subsection (d) of this Code section for such additional established place of business; and

(D) Evidence that the licensee maintains any liability and property damage insurance required under subsection (e) of this Code section for such additional established place of business.

(g) All licenses issued under this chapter shall be renewable biennially. The board may establish continuing education requirements for license renewals."

SECTION 1-8.

Said chapter is further amended in Code Section 43-47-8.2, relating to place of business, temporary sites, and penalties, by revising paragraph (5) of subsection (b) as follows:

"(5) The fee for each application for a temporary site permit shall be ~~\$100.00~~ established by the board."

SECTION 1-9.

Said chapter is further amended by revising Code Section 43-47-9, relating to contents of licenses, display of licenses, and endorsement of change of business location on licenses, as follows:

"43-47-9.

(a) The licenses issued pursuant to this chapter shall specify the location of each place of business or branch or other location occupied or to be occupied by the licensee in conducting his or her business; and the license or supplemental license issued therefor shall be conspicuously displayed on each of such premises. ~~In the event any such location is changed, the appropriate division shall endorse the change of location on the license without charge.~~

(b) If such location, as provided in subsection (a) of this Code section, of a licensee is changed, the licensee shall, at least 30 days prior to relocating to a new location, submit a change of location application, together with any additional fees as established by the board, to the division director. Such application shall be submitted in a form and manner as prescribed by the division director and shall include the licensee's license number and photographs of the new location in accordance with subsection (b) of Code Section 43-47-8. If the division director determines that the new location meets the requirements of this chapter and of the rules and regulations of the board, the division director shall approve the application and issue a new license that specifies the new location."

SECTION 1-10.

Said chapter is further amended by revising Code Section 43-47-10, relating to investigation of licensees by board, suspension or revocation of license, and other sanctions, as follows:

"43-47-10.

The board ~~or each division~~ may, upon its own motion, and shall, upon the verified complaint in writing of any person, investigate the actions of any licensee or anyone who shall assume to act in such capacity. The board ~~Each division~~ shall have power, in addition to the other powers authorized by this chapter, to revoke or to suspend a license for a specified time, to be determined in its discretion, or to invoke such other lesser sanctions, including but not limited to the imposition of fines and penalty fees, which the board is hereby authorized to create by rule, where:

(1) The licensee is found by a majority of the members of the board to have committed any one or more of the following:

- (A) Material misstatement in an application for a license;
- (B) Willful and intentional failure to comply with any provisions of this chapter or any lawful rule or regulation issued by the board under this chapter;
- (C) Making any substantial misrepresentation;
- (D) Making any false promises of a character likely to influence, persuade, or induce;
- (E) Pursuing a continued and flagrant course of misrepresentation or the making of false promises through agents, salespersons, advertising, or otherwise;
- (F) Failure to account for or to remit any moneys coming into his or her possession which belong to others;
- (G) Having demonstrated unworthiness or incompetency to act as a licensee in such manner as to safeguard the interest of the public;
- (H) Fraud or fraudulent practice, unfair and deceptive acts or practices, misleading acts or practices, or untrustworthiness or incompetency to act as a licensee, including, but not limited to, the failure to provide the appropriate odometer disclosure forms required

by law or knowingly selling or offering for sale any used car on which the odometer has been tampered with to reflect lower than the actual mileage the car has been driven;

(I) The intentional use of any false, fraudulent, or forged statement or document or the use of any fraudulent, deceitful, dishonest, or immoral practice in connection with any of the licensing requirements as provided for in this chapter;

(J) The commission of any crime involving violence, a used motor vehicle, illegal drugs, tax evasion, failure to pay taxes, or any crime involving the illegal use, carrying, or possession of a dangerous weapon; the conviction of, plea of guilty to, or plea of nolo contendere to a crime involving violence, a used motor vehicle, illegal drugs, tax evasion, failure to pay taxes, or any crime involving the illegal use, carrying, or possession of a dangerous weapon shall be conclusive evidence of the commission of such crime;

(K) Use of untruthful or improbable statements or flamboyant or extravagant claims concerning such licensee's excellence or abilities;

(L) The performance of any dishonorable or unethical conduct likely to deceive, defraud, mislead, unfairly treat, or harm the public;

(M) The use of any false or fraudulent statement in any document in connection with the business as a licensee;

(N) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any of the provisions of this chapter, including but not limited to (i) the failure to maintain the certificate of registration required by Code Section 43-47-8 and (ii) the failure to keep records required by this chapter;

(O) Any other conduct, whether of the same or a different character than heretofore specified, which constitutes dishonest dealing;

(P)(i) Any of the following activities by an automobile auction:

(I) Allowing a motor vehicle to be sold through an auction where the seller's name does not appear on the face of the title;

(II) Failing to refund all of the purchase price to the buyer when the title and tag receipt are not assigned to and processed for the buyer within 21 days of the purchase;

(III) Failing to make available to the board, for investigative purposes, auction records of a seller, for the purpose of determining if a seller sold more than five motor vehicles in a calendar year; provided, however, that the board shall give the auction reasonable notice during normal working hours;

(IV) Failing to disclose in a conspicuous manner on the bill of sale that a buyer is entitled to a refund of all of the purchase price when the title and tag receipt are not assigned and processed within 21 days of the purchase;

(V) Failing to include on the bill of sale any warranty disclaimer; or

(VI) Accepting or delivering a certificate of title signed in blank.

(ii) The provisions of this subparagraph shall not apply where:

(I) The sale of the motor vehicle is not open to the general public;

(II) Either the seller or purchaser of the vehicle is a licensed used car dealer;

(III) The motor vehicle is sold as a repossessed or abandoned vehicle; or

(IV) The motor vehicle is sold on behalf of any government agency or by court order.

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

(Q) Acting to obtain or holding a license on behalf of another person who was previously denied a license or had a license suspended or revoked under this chapter; in making determinations under this subparagraph, the ~~division~~ board may look at any competent evidence, including, but not limited to, who actually directs the activities at the business and who actually receives the proceeds from the business;

(R) Having purchased, concealed, possessed, or otherwise acquired or disposed of a vehicle, knowing the same to be stolen;

(S) Having failed to meet and maintain the requirements for issuance of a license as provided for in this chapter;

(T) Having failed to pay within 30 days after written demand from the board any fees or penalties due on vehicles acquired for dismantling or rebuilding; ~~or~~

(U) Having willfully failed to keep or maintain the records required to be kept by this chapter; or

(V) Having vacated the location of its place of business for thirty days or more without having submitted a change of location application pursuant to Code Section 43-47-9;
or

(2) A majority of the members of the ~~division~~ board find that the licensee failed to establish, maintain, or monitor procedural safeguards to ensure that the following activities do not occur at the business, regardless of whether the licensee had actual knowledge of any such activity or activities or regardless of whether there was an intent on the part of any person to engage in any such activity or activities:

(A) Unfair and deceptive acts or practices as defined in Part 2 of Article 15 of Chapter 1 of Title 10, the 'Fair Business Practices Act of 1975';

(B) Any of those activities described in paragraphs (1) through (6) of Code Section 40-3-90; or

(C) Failure to obtain a certificate of title for a purchaser."

SECTION 1-11.

Said chapter is further amended in Code Section 43-47-12, relating to maintenance of records by licensees and possession of vehicle or parts as evidence of purchase for resale, by revising paragraph (4) of subsection (a) as follows:

"(4) Any other records which the ~~appropriate division~~ board may reasonably require to protect the public, as relating to the licensee's method of operation and personnel employed."

SECTION 1-12.

Said chapter is further amended by revising Code Section 43-47-14, relating to fines for violation of chapter, as follows:

"43-47-14.

~~The Each division or the~~ board may impose a fine not to exceed \$500.00 for each violation of any provision of this chapter. Such fines shall be listed in a schedule contained in the rules and regulations of the board. The licensee shall pay the fine within 30 days after receiving written notification from either the ~~appropriate division~~ board or a representative of the ~~division~~ board unless the licensee requests in writing a hearing before the ~~division~~ board. Such request for a hearing must be received by the ~~division~~ board within 30 days after receipt of the written notification from the ~~division~~ board. Failure either to pay the fine or request a hearing shall result in immediate suspension of the license pending a hearing by the board to determine whether revocation or other disciplinary action should be imposed on the licensee."

SECTION 1-13.

Said chapter is further amended by revising Code Section 43-47-17, relating to consent to inspection as condition of licensure, as follows:

"43-47-17.

Every person required to be licensed under this chapter shall, as a condition of licensure, be deemed to have granted authority and permission to the board, ~~to either division,~~ or to any peace officer to inspect any record or document and any motor vehicle or motor vehicle part or accessory at or on the premises of his or her principal place of business, or

428 any additional place of business, at any reasonable time during the day or night during
429 reasonable business hours."

430 **SECTION 1-14.**

431 Said chapter is further amended in Code Section 43-47-21, relating to civil penalty, civil
432 action, right of private action, and persons already licensed to make changes at time of
433 renewal of license, by revising subsection (b) as follows:

434 "(b) The penalty provided in subsection (a) of this Code section and any restitution due to
435 specifically named consumers for violations of this chapter shall be recoverable by a civil
436 action brought by ~~the division~~, the board, the Attorney General, or any district attorney,
437 solicitor-general, or municipal or county attorney in any superior or state court having
438 proper jurisdiction. The proceeds of any civil penalty shall be remitted to the board by the
439 clerk of the court in which such case is filed; provided, however, that in an action brought
440 on behalf of a county or municipality one-half of the proceeds of such civil penalty shall
441 be paid into the treasury of such county or municipality. The court shall order any
442 restitution recovered on behalf of any consumer to be paid over directly to the consumer
443 by the defendant."

444 **PART II**

445 **SECTION 2-1.**

446 Chapter 7A of Title 43 of the Official Code of Georgia Annotated, relating to practice of
447 applied behavior analysis, is amended in Code Section 43-7A-2, relating to definitions, by
448 revising paragraph (5) as follows:

449 "(5) 'Certifying entity' means the Behavior Analyst Certification Board, Inc., or its
450 successor; the Qualified Applied Behavior Analysis Credentialing Board, or its
451 successor; or another entity that conducts programs to certify professional practitioners

452 of behavior analysis that are accredited by the National Commission ~~on~~ for Certifying
453 Agencies or the American National Standards Institute as identified by the board."

454 **PART III**
455 **SECTION 3-1.**

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