

ADOPTED

Senators Kennedy of the 18th, Summers of the 13th, Dolezal of the 27th, Cowsert of the 46th, and Goodman of the 8th offered the following amendment #3:

1 *Amend the Senate Committee on Judiciary substitute to SB 57 (LC 62 0129S) by removing*
2 *"and private enforcement" on lines 3 and 4 and replacing it with "enforcement; to provide*
3 *for penalties"*

4 *By inserting between lines 32 and 33 the following:*

5 Article 15 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to
6 deceptive or unfair practices, is amended in Code Section 10-1-439.3, relating to role of
7 Attorney General in prosecuting violators and civil penalties, by adding a new subsection to
8 read as follows:

9 "(d)(1) In an action brought pursuant to this Code section for violation of Part 10 of this
10 article, the Attorney General:

11 (A) Notwithstanding paragraph (3) of subsection (a) of this Code section, shall seek
12 to recover up to \$10,000.00 in civil penalties for the first violation, up to \$50,000.00 in
13 civil penalties for a second violation, and \$250,000.00 for a third or subsequent
14 violation;

15 (B) May bring such action without providing the notice required under subsection (a)
16 of this Code section; and

17 (C) May refer such violator to the Department of Banking and Finance for
18 investigation of any violations of Title 7 and the rules and regulations of the department
19 arising from such violation.

20 (2) If the Attorney General elects to not bring action for a violation of Part 10 of this
21 article, the Attorney General shall prepare a report providing the reasons for not bringing
22 such action and shall publish such report on the Department of Law's website."

23 **SECTION 4.**

24 *By replacing lines 33 and 34 with the following:*

25 Said article is further amended by adding a new part to read as follows:

26 *By deleting "(a)" on line 105.*

27 *By replacing lines 107 through 117 with the following:*

28 Business Practices Act of 1975'; provided, however, that enforcement against such
29 violations shall be by public enforcement by the Attorney General."

30 *By renumbering Section 4 as Section 5.*