

Senate Bill 213

By: Senators Kirkpatrick of the 32nd, Cowser of the 46th, Albers of the 56th, Rhett of the 33rd, Summers of the 13th and others

AS PASSED SENATE**A BILL TO BE ENTITLED****AN ACT**

1 To amend Part 2 of Article 15 of Chapter 1 of Title 10 of the Official Code of Georgia
2 Annotated, relating to the "Fair Business Practices Act of 1975," so as to ban commercial
3 cheating services that target students and examinees seeking a professional license; to limit
4 enforcement to public enforcement by the Attorney General; to provide for definitions; to
5 provide for statutory construction; to provide for related matters; to repeal conflicting laws;
6 and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Part 2 of Article 15 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated,
10 relating to the "Fair Business Practices Act of 1975," is amended in subsection (b) of Code
11 Section 10-1-393, relating to unfair or deceptive practices in consumer transactions unlawful
12 and examples, by deleting "and" at the end of paragraph (34), by replacing the period with
13 "; and" at the end of paragraph (35), and by adding a new paragraph to read as follows:
14 "(36) Failure to comply with the provisions of Code Section 10-1-393.20."

SECTION 2.

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

"10-1-393.20.

(a) As used in this Code section, the term:

(1) 'Assessment task' means any assignment, essay, thesis, dissertation, report, examination, project, or other assessable part of a course of study assigned or otherwise given to a student or examinee for credit.

(2) 'Assignor' means:

(A) Any local school system or public school, private school, or home study program in this state;

(B) Any institution of the University System of Georgia or unit of the Technical College System of Georgia;

(C) Any organization that issues a professional license in this state; or

(D) Any employee or agent of such schools, programs, institutions, units, or organizations.

(3) 'Commercial purpose' means a purpose relating to financial gain or other compensation.

(4) 'For credit' means for evaluation by an assignor as a factor in the issuance of any grade, evaluation, degree, diploma, certification, certificate, credential, exam score, or professional license.

(5) 'Home study program' means a home study program as defined in subsection (c) of Code Section 20-2-690.

(6) 'Person' means any individual, partnership, firm, limited liability company, association, corporation, or other legal entity or unincorporated organization.

(7) 'Private school' shall have the same meaning as private school set forth in subsection (b) of Code Section 20-2-690.

(8) 'Student or examinee' means:

(A) Any student of a local school system or public school, a private school, or a home study program in this state;

(B) Any student of an institution of the University System of Georgia or a unit of the Technical College System of Georgia; or

(C) Any examinee for a professional license in this state.

(9) 'Work product' means any written, electronic, recorded, pictorial, artistic, or other form of work.

(b) It shall be unlawful for any person, for a commercial purpose, to provide or otherwise cause to be provided any work product to a student or examinee in a substantially completed form that could, under the circumstances, reasonably be considered as being, or forming a part of, an assessment task.

(c) No disclaimer or contractual language between a person providing work product and a student or examinee shall exempt such person from the provisions of subsection (b) of this Code section.

(d) Any violation of subsection (b) of this Code section shall constitute an unfair or deceptive act or practice in the conduct of consumer transactions under Part 2 of Article 15 of this chapter, the 'Fair Business Practices Act of 1975'; provided, however, that enforcement against such violations shall only be by public enforcement by the Attorney General pursuant to this part and shall not be enforceable through a private right of action under Code Section 10-1-399.

(e) Nothing in this Code section shall be construed to:

(1) Prohibit any person from providing tutorial assistance, research material, or general information to a student or examinee; or

(2) Prohibit any person from providing an automated system, software, or platform that generates specific responses to a student's or examinee's prompts; provided, however, that such responses shall not constitute a substantially completed assessment task and the

68 primary purpose of such automated system, software, or platform is not the provision of
69 assessment tasks."

70 **SECTION 3.**

71 Said part is further amended in subsection (a) of Code Section 10-1-399, relating to civil
72 actions for violations and remedies, by striking "Any" at the beginning of subsection (a),
73 and inserting "Except as otherwise provided, any" in lieu thereof.

74 **SECTION 4.**

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