

Senate Bill 583

By: Senators Halpern of the 39th, Jackson of the 41st, Jones II of the 22nd, Parent of the 44th, McLaurin of the 14th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 4 of Article 15 of Chapter 1 of Title 10 of the Official Code of Georgia
2 Annotated, relating to false advertising, so as to require any person, firm, or corporation to
3 display all fees associated with a consumer transaction when displaying the total price of a
4 good; to provide for exceptions; to provide for violations; to provide for definitions; to
5 provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Part 4 of Article 15 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated,
9 relating to false advertising, is amended by adding a new Code section to read as follows:
10 "10-1-428.

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

12 (1) 'Broadband service' shall have the same meaning as set forth in Code Section
13 46-5-62.

14 (2) 'Consumer transaction' means the sale, purchase, lease, or rental of goods, services,
15 or property, real or personal, primarily for personal, family, or household purposes.

16 (3) 'Price-variable supplier' means any person, firm, or corporation which offers services,
17 the total price of which is adjusted based on consumer selections or preferences, or
18 dependent on distance and time of such service provided.

19 (b) No person, firm, or corporation shall, in connection with a consumer transaction,
20 advertise or display a price for goods or services without clearly and conspicuously
21 displaying the total price, which shall include all mandatory fees, surcharges, or the
22 percentage of any automatic and mandatory gratuities charged. Such clear and conspicuous
23 display of the total price shall have prominent placement, font size, and contrast
24 comparable to the advertisement or display as a whole. A person, firm, or corporation
25 which provides both a good and a service to consumers may display or advertise the total
26 price of the good separately from the total price or rate charged for providing the service.

27 (c) Provisions of this Code section shall not apply to:

28 (1) A price-variable supplier who is compliant with subsection (b) of this Code section
29 if such supplier clearly and conspicuously discloses:

30 (A) The factors determining the final price;

31 (B) Any mandatory fees or surcharges associated with the transaction; and

32 (C) That the total cost of services may vary;

33 (2) A provider of broadband service on its own or as part of a bundle that complies with
34 federal broadband consumer requirements codified in 47 C.F.R. Section 8.2(a);

35 (3) A firm or corporation providing broadcast services which complies with the pricing
36 requirements of 47 C.F.R. Section 76.310; and

37 (4) A provider of live-event tickets that complies with the provisions of 16 C.F.R. Part
38 464 relating to live-event tickets.

39 (d) It shall not be a violation of this Code section for any person, firm, or corporation to:

40 (1) Reduce the total price that was previously advertised or displayed;

41 (2) Display a promotion or discount, including an offer to waive one or more mandatory
42 fees; or

