

**Representative Hall, Atlanta, Georgia**

**Thursday, March 14, 2013**

**Thirty-Fourth Legislative Day**

The House met pursuant to adjournment at 9:30 o'clock, A.M., this day and was called to order by the Speaker.

The roll was called and the following Representatives answered to their names:

Abrams	Coleman	Gravley	E Marin	Sims, B
Alexander	Cooke	Greene	Martin	Smith, E
Allison	Coomer	Gregory	Maxwell	Smith, L
Anderson	Cooper	Hamilton	Mayo	E Smith, M
Atwood	Dawkins-Haigler	Harbin	McCall	Smith, R
Ballinger	Deffenbaugh	Harden	Meadows	Spencer
Barr	Dempsey	Harrell	E Mitchell	Stephens, M
Battles	Dickerson	Hatchett	E Morgan	Stephens, R
Beasley-Teague	Dickey	Hawkins	Mosby	Stephenson
Bell	Dickson	Henson	Murphy	Stovall
Bennett	E Dollar	Hightower	Neal	Stover
Bentley	Douglas	Hill	Nimmer	Strickland
Benton	Drenner	Hitchens	Nix	Talton
Black	Dudgeon	Holcomb	O'Neal	Tankersley
Braddock	Dukes	Holmes	Pak	Tanner
Broadrick	Dunahoo	Holt	Parrish	Taylor, D
Brockway	Duncan	Houston	E Parsons	Teasley
Brooks	Dutton	Howard	Peake	Thomas, A.M.
Bruce	England	Hugley	Pezold	E Thomas, B
E Bryant	Epps, J	Jackson	E Powell, J	Turner
Buckner	E Evans	E Jacobs	Pruett	Waites
Burns	Fleming	Jasperse	Quick	Watson, B
Caldwell, J	E Floyd	Jones, J	Ramsey	Watson, S
Caldwell, M	Fludd	Jones, L	Randall	Welch
Carson	Frazier	Jones, S	Riley	Wilkerson
Carter	Frye	Kaiser	Roberts	Wilkinson
E Casas	Fullerton	Kelley	Rogers, C	Williams, A
Chandler	Gardner	Kendrick	Rogers, T	Williams, C
Channell	Gasaway	Kidd	Rutledge	Williams, E
Chapman	E Geisinger	Knight	Rynders	Williamson
Cheokas	Glanton	Lindsey	Scott	Yates
Clark, J	Golick	Lumsden	Setzler	Ralston, Speaker
Clark, V	Gordon	Mabra	Sharper	

The following members were off the floor of the House when the roll was called:

Representatives Beverly of the 143rd, Ehrhart of the 36th, Jordan of the 77th, Kirby of the 114th, Morris of the 156th, Oliver of the 82nd, Powell of the 32nd, Rice of the 95th,

Shaw of the 176th, Sims of the 169th, Smyre of the 135th, Taylor of the 79th, Weldon of the 3rd, and Willard of the 51st.

They wished to be recorded as present.

Prayer was offered by Reverend Arthur Powell, Travelers Rest Baptist Church, Morrow, Georgia.

The members pledged allegiance to the flag.

Representative Sims of the 123rd, Chairman of the Committee on Information and Audits, reported that the Journal of the previous legislative day had been read and found to be correct.

By unanimous consent, the reading of the Journal was dispensed with.

The Journal was confirmed.

By unanimous consent, the following was established as the order of business during the first part of the period of unanimous consents:

1. Introduction of Bills and Resolutions.
2. First reading and reference of House Bills and Resolutions.
3. Second reading of Bills and Resolutions.
4. Reports of Standing Committees.
5. Third reading and passage of Local uncontested Bills.
6. First reading and reference of Senate Bills and Resolutions.

By unanimous consent, the following Bills of the House were introduced, read the first time and referred to the Committees:

HB 603. By Representatives Evans of the 42nd, Ehrhart of the 36th, Wilkerson of the 38th, Parsons of the 44th, Bruce of the 61st and others:

A BILL to be entitled an Act to amend an Act creating the State Court of Cobb County, approved March 26, 1964 (Ga. L. 1964, p. 3211), as amended, particularly by an Act approved May 12, 2008 (Ga. L. 2008, p. 3699), so as

to change the compensation of the judges of the state court; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 604. By Representatives Jones of the 47th, Lindsey of the 54th, Geisinger of the 48th, Riley of the 50th, Wilkinson of the 52nd and others:

A BILL to be entitled an Act to amend an Act providing for the determination of millage rates by governing authorities in Fulton County, approved March 14, 1991 (Ga. L. 1991, p. 3506), so as to provide for dates on which the governing authority of Fulton County may make or fix certain levies of ad valorem taxes; to provide for procedures related thereto; to cite a certain constitutional authorization; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 605. By Representatives Neal of the 2nd, Ehrhart of the 36th and Battles of the 15th:

A BILL to be entitled an Act to amend Article 2 of Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to regulation of controlled substances, so as to change provisions relating to possession of substances containing ephedrine, pseudoephedrine, and phenylpropanolamine and restrictions on sales of products containing pseudoephedrine; to provide for real-time tracking of sales of products containing ephedrine, norpseudoephedrine, pseudoephedrine, and phenylpropanolamine; to provide for definitions; to change provisions relating to exceptions; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

HB 606. By Representative Knight of the 130th:

A BILL to be entitled an Act to amend Article 13 of Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating to private home care providers, so as to revise the definition of private home care provider to exclude from the definition contractual arrangements with independent contractors; to change certain provisions concerning certain employees; to revise exempt services; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Health & Human Services.

HB 607. By Representative Waites of the 60th:

A BILL to be entitled an Act to amend Code Section 36-60-17 of the Official Code of Georgia Annotated, relating to water supplier's cut off of water to premises because of indebtedness of prior owner, occupant, or lessee prohibited, records required, limited liens for unpaid charges for water, gas, sewerage service, or electricity, so as to provide that the suppliers of such services shall seek reimbursement for unpaid charges only from the person who incurred such charges; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

By unanimous consent, the following Bills and Resolution of the House were read the second time:

- |        |        |
|--------|--------|
| HB 582 | HB 583 |
| HB 584 | HB 585 |
| HB 586 | HB 587 |
| HB 588 | HB 589 |
| HB 590 | HB 591 |
| HB 592 | HB 593 |
| HB 594 | HB 595 |
| HB 596 | HB 597 |
| HB 598 | HB 599 |
| HB 600 | HB 601 |
| HB 602 | HR 719 |

Representative Benton of the 31st District, Chairman of the Committee on Human Relations and Aging, submitted the following report:

Mr. Speaker:

Your Committee on Human Relations and Aging has had under consideration the following Bill of the Senate and has instructed me to report the same back to the House with the following recommendation:

SB 14 Do Pass

Respectfully submitted,  
/s/ Benton of the 31st  
Chairman

Representative Sims of the 169th District, Chairman of the Committee on Intragovernmental Coordination, submitted the following report:

Mr. Speaker:

Your Committee on Intragovernmental Coordination - Local Legislation has had under consideration the following Bills of the House and has instructed me to report the same back to the House with the following recommendations:

HB 569	Do Pass	HB 570	Do Pass
HB 573	Do Pass	HB 574	Do Pass
HB 576	Do Pass	HB 578	Do Pass

Respectfully submitted,  
/s/ Sims of the 169th  
Chairman

Representative Golick of the 40th District, Chairman of the Committee on Judiciary Non-Civil, submitted the following report:

Mr. Speaker:

Your Committee on Judiciary Non-Civil has had under consideration the following Bills of the Senate and has instructed me to report the same back to the House with the following recommendations:

SB 96	Do Pass	SB 134	Do Pass
SB 170	Do Pass, by Substitute	SB 187	Do Pass, by Substitute
SB 204	Do Pass		

Respectfully submitted,  
/s/ Golick of the 40th  
Chairman

Representative Rice of the 95th District, Chairman of the Committee on Motor Vehicles, submitted the following report:

Mr. Speaker:

Your Committee on Motor Vehicles has had under consideration the following Bill of the Senate and has instructed me to report the same back to the House with the following recommendation:

SB 122 Do Pass

Respectfully submitted,  
/s/ Rice of the 95th  
Chairman

Representative Maxwell of the 17th District, Chairman of the Committee on Regulated Industries, submitted the following report:

Mr. Speaker:

Your Committee on Regulated Industries has had under consideration the following Bill of the Senate and has instructed me to report the same back to the House with the following recommendation:

SB 128 Do Pass

Respectfully submitted,  
/s/ Maxwell of the 17th  
Chairman

The following Resolutions of the House, referred to the House Rules Subcommittee on Invites, were reported by the Committee on Rules with the following recommendations:

HR 78 Do Pass  
HR 490 Do Pass

Representative Dunahoo of the 30th District, Vice-Chairman of the Committee on State Properties, submitted the following report:

Mr. Speaker:

Your Committee on State Properties has had under consideration the following Resolution of the Senate and has instructed me to report the same back to the House with the following recommendation:

SR 113 Do Pass, by Substitute

Respectfully submitted,  
/s/ Dunahoo of the 30th  
Vice-Chairman

The following report of the Committee on Rules was read and adopted:

HOUSE RULES CALENDAR  
THURSDAY, MARCH 14, 2013

Mr. Speaker and Members of the House:

The Committee on Rules has fixed the calendar for this 34th Legislative Day as enumerated below:

DEBATE CALENDAR

**Open Rule**

None

**Modified Open Rule**

- HR 218 Local school superintendents; recognize that learning the United States Constitution is a vital facet of primary education; request (Ed-Sims-123rd)
- HR 410 International Olympic Committee; keep wrestling in Olympic games after 2016 Olympics in Rio de Janeiro, Brazil; request (GAff-Glanton-75th)
- HR 532 United States Army Corps of Engineers (USACE); utilize adaptive management techniques to control lake levels and river flows within Savannah River Basin; request (NR&E-Powell-32nd)
- SB 61 "Georgia Self-service Storage Facility Act of 2013" change the due date for monthly rental payments (Substitute)(Judy-Lindsey-54th) Stone-23rd
- SB 66 Courts; increase penalties that can impose for contempt of superior and state courts (Substitute)(Judy-Jacobs-80th) Stone-23rd
- SB 81 Forest Resources; shorten the legal season for harvesting ginseng (A&CA-Jasperse-11th) Wilkinson-50th
- SB 193 "Uniform Interstate Family Support Act"; update (Substitute)(JuvJ-Quick-117th) Cowsert-46th

**Modified Structured Rule**

None

**Structured Rule**

None

Bills and Resolutions on this calendar may be called in any order the Speaker desires.

Respectfully submitted,  
/s/ Meadows of the 5th  
Chairman

By unanimous consent, the following Bills of the House were taken up for consideration and read the third time:

HB 569. By Representatives Peake of the 141st, Epps of the 144th, Dickey of the 140th, Randall of the 142nd and Beverly of the 143rd:

A BILL to be entitled an Act to amend an Act establishing the State Court of Bibb County, formerly the City Court of Macon, approved August 14, 1885 (Ga. L. 1884-85, p. 470), as amended, so as to provide an additional judge for said court; to provide for the initial appointment of such additional judge by the Governor; to provide for the election and terms of office for the judges of said court; to provide for a chief judge of said court; to provide for the compensation of the judges of said court; to provide for the selection, terms of office, and compensation of the solicitor-general of said court; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 570. By Representatives Peake of the 141st, Epps of the 144th, Dickey of the 140th, Randall of the 142nd and Beverly of the 143rd:

A BILL to be entitled an Act to amend an Act providing for a Civil Service System and a Civil Service Board for Bibb County, approved March 9, 1955 (Ga. L. 1955, p. 682), as amended, particularly by an Act approved April 9, 1981 (Ga. L. 1981, p. 750), and an Act approved April 14, 1997 (Ga. L. 1997, p. 4099), so as to define a certain term; to provide for an award of an attorney's fee under certain conditions; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 573. By Representatives Dickson of the 6th, Broadrick of the 4th and Neal of the 2nd:

A BILL to be entitled an Act to provide for the creation of one or more community improvement districts in Whitfield County; to provide for construction; to provide that Chapter 5 of Title 10 of the O.C.G.A. shall not apply to the offer, sale, or issuance of the boards' bonds, notes, or other obligations; to provide that no notice, proceeding, publication, or referendum shall be required; to provide for dissolutions; to provide the procedures connected with all of the foregoing; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 574. By Representatives Riley of the 50th, Martin of the 49th, Dudgeon of the 25th, Rice of the 95th and Willard of the 51st:

A BILL to be entitled an Act to amend an Act to incorporate the City of Johns Creek in Fulton County, Georgia, approved March 29, 2006 (Ga. L. 2006, p. 3503), as amended, so as to clarify the cap on changing the millage rate for ad valorem property taxes; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 576. By Representative Harden of the 148th:

A BILL to be entitled an Act to create a board of elections and registration for Wilcox County and to provide for its powers and duties; to provide for definitions; to provide for related matters; to provide for submission for preclearance under Section 5 of the federal Voting Rights Act of 1965, as amended; to provide effective dates; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 578. By Representatives Harbin of the 122nd, Fleming of the 121st, Sims of the 123rd and McCall of the 33rd:

A BILL to be entitled an Act to amend an Act to provide that certain officials of Columbia County who have served at least 15 years in office may, upon leaving office, continue to participate in the county health insurance program by paying the total cost of such participation, approved May 17, 2004 (Ga. L.

2004, p. 4471), as amended, so as to revise the time for vesting in such program; to provide for related matters; to provide for intent; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

By unanimous consent, the following roll call vote was made applicable to the previously read Bills.

On the passage of the Bills, the roll call was ordered and the vote was as follows:

Y Abrams	Y Coomer	Y Hamilton	Y McCall	Y Sims, C
Y Alexander	Y Cooper	Y Harbin	Y Meadows	Y Smith, E
Y Allison	Y Dawkins-Haigler	Y Harden	E Mitchell	Y Smith, L
Y Anderson	Y Deffenbaugh	Y Harrell	E Morgan	Y Smith, M
Y Atwood	Y Dempsey	Y Hatcher	Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	Y Mosby	Smyre
Y Barr	Y Dickey	Y Henson	Y Murphy	Y Spencer
Y Battles	Y Dickson	Hightower	Neal	Y Stephens, M
N Beasley-Teague	E Dollar	Y Hill	Y Nimmer	Y Stephens, R
Bell	Y Douglas	Y Hitchens	Y Nix	Stephenson
Y Bennett	Y Drenner	Y Holcomb	Oliver	Y Stovall
Y Bentley	Y Dudgeon	Y Holmes	Y O'Neal	Y Stover
Benton	Y Dukes	Y Holt	Y Pak	Y Strickland
Beverly	Y Dunahoo	Y Houston	Y Parrish	Y Talton
Y Black	Y Duncan	Y Howard	E Parsons	Y Tankersley
Y Braddock	Dutton	Y Hugley	Y Peake	Y Tanner
Y Broadrick	Y Ehrhart	Y Jackson	Y Pezold	Y Taylor, D
Y Brockway	Y England	Y Jacobs	Y Powell, A	Y Taylor, T
Y Brooks	Epps, C	Y Jasperse	E Powell, J	Y Teasley
Y Bruce	Y Epps, J	Y Jones, J	Y Pruett	Y Thomas, A.M.
E Bryant	E Evans	Y Jones, L	Y Quick	E Thomas, B
Y Buckner	Y Fleming	Y Jones, S	Y Ramsey	Y Turner
Y Burns	E Floyd	Y Jordan	Y Randall	Y Waites
Y Caldwell, J	Y Fludd	Y Kaiser	Y Rice	Y Watson, B
Y Caldwell, M	Y Frazier	Kelley	Y Riley	Y Watson, S
Y Carson	Y Frye	Y Kendrick	Y Roberts	Y Welch
Y Carter	Y Fullerton	Y Kidd	Y Rogers, C	Weldon
E Casas	Y Gardner	Y Kirby	Y Rogers, T	Y Wilkerson
Y Chandler	Y Gasaway	Y Knight	Y Rutledge	Y Wilkinson
Y Channell	E Geisinger	Y Lindsey	Y Rynders	Y Willard
Y Chapman	Y Glanton	Y Lumsden	Y Scott	Y Williams, A
Y Cheokas	Golick	Y Mabra	Y Setzler	Y Williams, C
Y Clark, J	Y Gordon	Y Marin	Y Sharper	Y Williams, E
Y Clark, V	Y Gravley	Y Martin	Shaw	Y Williamson
Y Coleman	Y Greene	Y Maxwell	Sheldon	Y Yates
Y Cooke	Y Gregory	Y Mayo	Y Sims, B	Ralston, Speaker

On the passage of the Bills, the ayes were 151, nays 1.

The Bills, having received the requisite constitutional majority, were passed.

The following message was received from the Senate through Mr. Ewing, the Secretary thereof:

Mr. Speaker:

The Senate has passed by substitute, by the requisite constitutional majority, the following bills of the House:

HB 234. By Representatives Smith of the 70th, Ramsey of the 72nd, Lindsey of the 54th and Epps of the 132nd:

A BILL to be entitled an Act to amend Title 13 of the Official Code of Georgia Annotated, relating to contracts, so as to enact a new chapter that provides for notice of automatic renewal provisions in service contracts; to provide for notice to a consumer prior to the automatic renewal of a service contract; to provide for definitions; to provide for exemptions; to provide for an effective date and applicability; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 255. By Representatives Rogers of the 10th, Powell of the 32nd, Hitchens of the 161st, Lumsden of the 12th, Benton of the 31st and others:

A BILL to be entitled an Act to amend Code Section 40-1-102 of the Official Code of Georgia Annotated, relating to certification as a prerequisite to the operation of a motor carrier of passengers or household goods or property and minimum insurance requirement, and Article 6A of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to administration of the federal Unified Carrier Registration Act of 2005, so as to transfer the administration responsibilities of the federal Unified Carrier Registration Act of 2005 from the Department of Revenue to the Department of Public Safety, to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The Senate has passed by the requisite constitutional majority the following bill of the House:

HB 342. By Representative Ramsey of the 72nd:

A BILL to be entitled an Act to provide a new charter for the City of Senoia; to provide for incorporation, boundaries, and powers of the city; to provide for a governing authority of such city and the powers, duties, authority, election,

terms, vacancies, compensation, expenses, qualifications, prohibitions, conflicts of interest, and suspension and removal from office relative to members of such governing authority; to provide for prior ordinances and rules, pending matters, and existing personnel; to provide for penalties; to provide for definitions and construction; to provide for other matters relative to the foregoing; to repeal specific Acts; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following members were recognized during the period of Morning Orders and addressed the House:

Representatives Williams of the 168th, Williamson of the 115th, Chandler of the 105th, Kirby of the 114th, Rice of the 95th, Allison of the 8th, Bentley of the 139th, Henson of the 86th, Drenner of the 85th, O'Neal of the 146th, Meadows of the 5th, England of the 116th, Carter of the 175th, and Dickey of the 140th.

Pursuant to HR 533, the House recognized and commended the Oconee District on being named the State Forestry Commission 2012 District of the Year and invited them to appear before the House of Representatives.

Pursuant to HR 468, the House recognized and commended the Coweta-Fayette-South Fulton County Forestry Unit on being named the State Forestry Commission 2012 Northern Unit of the Year and invited them to appear before the House of Representatives.

Pursuant to HR 467, the House recognized and commended the Bleckley/Pulaski Forestry Unit on being named the Georgia Forestry Commission 2012 Southern Unit of the Year and invited its members to appear before the House of Representatives.

Pursuant to HR 453, the House congratulated the Nashville Woman's Club on their 100th anniversary and invited its members to appear before the House of Representatives.

Pursuant to HR 148, the House recognized and congratulated the McIntosh High School Lady Chiefs soccer team of Fayette County for winning the Class AAAAA State Championship and invited them to be recognized by the House of Representatives.

Under the general order of business, established by the Committee on Rules, the following Bills of the Senate were taken up for consideration and read the third time:

SB 81. By Senators Wilkinson of the 50th, Ginn of the 47th and Gooch of the 51st:

A BILL to be entitled an Act to amend Code Section 12-6-152 of the Official Code of Georgia Annotated, relating to prohibited acts regarding harvesting

ginseng, so as to shorten the legal season for harvesting ginseng; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Y Abrams	Y Coomer	Y Hamilton	Y McCall	Y Sims, C
Y Alexander	Y Cooper	Y Harbin	Y Meadows	Y Smith, E
N Allison	Y Dawkins-Haigler	Y Harden	E Mitchell	Y Smith, L
Y Anderson	Y Deffenbaugh	N Harrell	E Morgan	N Smith, M
Y Atwood	Y Dempsey	Y Hatcher	Y Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	Y Mosby	Y Smyre
N Barr	Y Dickey	Y Henson	Y Murphy	N Spencer
Y Battles	Y Dickson	N Hightower	Y Neal	Y Stephens, M
N Beasley-Teague	Dollar	Y Hill	Y Nimmer	Y Stephens, R
Y Bell	Y Douglas	Y Hitchens	Y Nix	Y Stephenson
Bennett	Y Drenner	Holcomb	Y Oliver	Y Stovall
Y Bentley	N Dudgeon	Y Holmes	Y O'Neal	N Stover
Y Benton	Y Dukes	N Holt	Y Pak	Y Strickland
Y Beverly	Y Dunahoo	Y Houston	Y Parrish	Y Talton
Y Black	N Duncan	Y Howard	E Parsons	Y Tankersley
N Braddock	N Dutton	Y Hugley	Y Peake	Y Tanner
Y Broadrick	Y Ehrhart	Y Jackson	N Pezold	N Taylor, D
N Brockway	Y England	Jacobs	Y Powell, A	Y Taylor, T
Y Brooks	Y Epps, C	Y Jasperse	E Powell, J	N Teasley
Y Bruce	Y Epps, J	Y Jones, J	Pruett	Y Thomas, A.M.
E Bryant	E Evans	N Jones, L	Y Quick	E Thomas, B
Y Buckner	Y Fleming	Y Jones, S	N Ramsey	N Turner
Y Burns	N Floyd	Y Jordan	Y Randall	Y Waites
Y Caldwell, J	Y Fludd	Y Kaiser	Y Rice	Y Watson, B
N Caldwell, M	Y Frazier	N Kelley	Y Riley	Y Watson, S
N Carson	Y Frye	Y Kendrick	Y Roberts	Y Welch
Y Carter	Y Fullerton	Y Kidd	N Rogers, C	Weldon
E Casas	Y Gardner	N Kirby	Y Rogers, T	Y Wilkerson
Y Chandler	Y Gasaway	Y Knight	Y Rutledge	Y Wilkinson
Y Channell	E Geisinger	Y Lindsey	Y Rynders	Y Willard
Y Chapman	Glanton	Y Lumsden	Y Scott	Y Williams, A
Y Cheokas	Y Golick	Y Mabra	Setzler	Y Williams, C
Clark, J	Y Gordon	Y Marin	Y Sharper	Y Williams, E
Y Clark, V	N Gravley	Y Martin	Y Shaw	Y Williamson
Y Coleman	Y Greene	Y Maxwell	Y Sheldon	Y Yates
N Cooke	Y Gregory	Y Mayo	Y Sims, B	Ralston, Speaker

On the passage of the Bill, the ayes were 133, nays 28.

The Bill, having received the requisite constitutional majority, was passed.

House of Representatives  
Coverdell Legislative Office Building  
Room 509  
Atlanta, Georgia 30334

March 14, 2013

Robert Rivers, Jr.  
Clerk of the House  
309 State Capitol

Dear Mr. Rivers,

Please be advised that I had to leave session this morning for a family emergency. In the confusion of it all, my vote for SB 81 was cast in error. I would like for my vote to reflect as NO.

Thank you,

/s/ Charles Gregory  
Representative Charles Gregory

SB 193. By Senators Cowsert of the 46th, McKoon of the 29th, Tippins of the 37th, Bethel of the 54th and Ligon, Jr. of the 3rd:

A BILL to be entitled an Act to amend Chapter 11 of Title 19 of the Official Code of Georgia Annotated, relating to the enforcement of duty of support, so as to update the Uniform Interstate Family Support Act; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED  
AN ACT

To amend Chapter 11 of Title 19 of the Official Code of Georgia Annotated, relating to the enforcement of duty of support, so as to update the Uniform Interstate Family Support Act; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Chapter 11 of Title 19 of the Official Code of Georgia Annotated, relating to the enforcement of duty of support, is amended by revising Article 3, relating to the Uniform Interstate Family Support Act, as follows:

"ARTICLE 3  
Part 1

19-11-100.

This article shall be known and may be cited as the 'Uniform Interstate Family Support Act.'

19-11-101.

As used in this article, the term:

(1) 'Child' means an individual, whether over or under the age of majority, who is or is alleged to be owed a duty of support by the individual's parent or who is or is alleged to be the beneficiary of a support order directed to the parent.

(2) 'Child support order' means a support order for a child, including a child who has attained the age of majority under the law of the issuing state or foreign country.

(3) 'Convention' means the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, concluded at The Hague on November 23, 2007.

~~(3)~~(4) 'Duty of support' means an obligation imposed or which may be imposed by law to provide support for a child, spouse, or former spouse, including an unsatisfied obligation to provide support.

(5) 'Foreign country' means a country, including a political subdivision thereof, other than the United States, that authorizes the issuance of support orders and:

(A) Which has been declared under the law of the United States to be a foreign reciprocating country;

(B) Which has established a reciprocal arrangement for child support with this state as provided in Code Section 19-11-127;

(C) Which has enacted a law or established procedures for the issuance and enforcement of support orders which are substantially similar to the procedures under this article; or

(D) In which the convention is in force with respect to the United States.

(6) 'Foreign support order' means a support order of a foreign tribunal.

(7) 'Foreign tribunal' means a court, administrative agency, or quasi-judicial entity of a foreign country which is authorized to establish, enforce, or modify support orders or to determine parentage of a child. The term includes a competent authority under the convention.

~~(4)~~(8) 'Home state' means the state or foreign country in which a child lived with a parent or a person acting as parent for at least six consecutive months immediately preceding the time of filing of a petition or comparable pleading for support and, if a

child is less than six months old, the state or foreign country in which the child lived from birth with any of them. A period of temporary absence of any of them is counted as part of the six-month or other period.

~~(5)~~(9) 'Income' includes earnings or other periodic entitlements to money from any source and any other property subject to withholding for support under the law of Georgia.

~~(6)~~(10) 'Income-withholding order' means an order or other legal process directed to an obligor's employer or other debtor, pursuant to Code Sections 19-6-31 through 19-6-33, to withhold support from the income of the obligor.

~~(7)~~ 'Initiating state' means ~~a state from which a proceeding is forwarded or in which a proceeding is filed for forwarding to a responding state under this article or a law substantially similar to this article or under a law or procedure substantially similar to the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act.~~

~~(8)~~(11) 'Initiating tribunal' means the authorized tribunal in an initiating state of a state or foreign country from which a petition or comparable pleading is forwarded or in which a petition or comparable pleading is filed for forwarding to another state or foreign country.

(12) 'Issuing foreign country' means the foreign country in which a tribunal issues a support order or a judgment determining parentage of a child.

~~(9)~~(13) 'Issuing state' means the state in which a tribunal issues a support order or renders a judgment determining parentage of a child.

~~(10)~~(14) 'Issuing tribunal' means the tribunal of a state or foreign country that issues a support order or ~~renders~~ a judgment determining parentage of a child.

~~(11)~~(15) 'Law' includes decisional and statutory law and rules and regulations having the force of law.

~~(12)~~(16) 'Obligee' means:

(A) An individual to whom a duty of support is or is alleged to be owed or in whose favor a support order ~~has been issued~~ or a judgment determining parentage of a child has been ~~rendered~~ issued;

(B) A foreign country, state, or political subdivision of a state to which the rights under a duty of support or support order have been assigned or which has independent claims based on financial assistance provided to an individual obligee in place of child support; ~~or~~

(C) An individual seeking a judgment determining parentage of the individual's child; or

(D) A person that is a creditor in a proceeding under Part 7 of this article.

~~(13)~~(17) 'Obligor' means an individual or the estate of a decedent that:

(A) Owes ~~Who owes~~ or is alleged to owe a duty of support;

(B) Is ~~Who is~~ alleged but has not been adjudicated to be a parent of a child; ~~or~~

(C) Is ~~Who is~~ liable under a support order; or

(D) Is a debtor in a proceeding under Part 7 of this article.

(18) 'Outside this state' means a location in another state or a country other than the United States, whether or not the country is a foreign country.

(19) 'Person' means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

(20) 'Record' means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

~~(14)~~(21) 'Register' means to record or file in a tribunal of this state a support order or judgment determining parentage in the appropriate court for the recording or filing of foreign judgments generally or foreign support orders specifically of a child issued in another state or a foreign country.

~~(15)~~(22) 'Registering tribunal' means a tribunal in which a support order or judgment determining parentage of a child is registered.

~~(16)~~(23) 'Responding state' means a state in which a proceeding petition or comparable pleading for support or to determine parentage of a child is filed or to which a proceeding petition or comparable pleading is forwarded for filing from an initiating state under this article or a law or procedure substantially similar to this article, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act another state or foreign country.

~~(17)~~(24) 'Responding tribunal' means the authorized tribunal in a responding state or foreign country.

~~(18)~~(25) 'Spousal support order' means a support order for a spouse or former spouse of the obligor.

~~(19)~~(26) 'State' means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the under the jurisdiction of the United States. The term includes:

~~(A) An an Indian nation or tribe; and~~

~~(B) A foreign jurisdiction that has enacted a law or established procedures for issuance and enforcement of support orders which are substantially similar to the procedures under this article, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act.~~

~~(20)~~(27) 'Support enforcement agency' means a public official, governmental entity, or private agency authorized to seek:

~~(A) Seek enforcement Enforcement~~ of support orders or laws relating to the duty of support;

~~(B) Seek establishment Establishment~~ or modification of child support;

~~(C) Request determination Determination~~ of parentage of a child; or

~~(D) Attempt to locate The location of~~ obligors or their assets; or

~~(E) Request determination of the controlling child support order.~~

~~(21)~~(28) 'Support order' means a judgment, decree, or order, decision, or directive, whether temporary, final, or subject to modification, issued in a state or foreign country for the benefit of a child, a spouse, or a former spouse, which provides for

monetary support, health care, arrearages, retroactive support, or reimbursement ~~and~~ for financial assistance provided to an individual obligee in place of child support. The term may include related costs and fees, interest, income withholding, automatic adjustment, reasonable attorney's fees, and other relief.

~~(22)~~(29) 'Tribunal' means a court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine parentage of a child.

19-11-102.

(a) The superior courts, the Office of State Administrative Hearings, and the Department of Human Services are the tribunals of Georgia for purposes of this article.

(b) The Department of Human Services shall be the support enforcement agency of this state.

19-11-103.

(a) Remedies provided by this article are cumulative and do not affect the availability of remedies under other law or the recognition of a foreign support order on the basis of comity.

(b) This article does not:

(1) Provide the exclusive method of establishing or enforcing a support order under the law of Georgia; or

(2) Grant a tribunal of Georgia jurisdiction to render judgment or issue an order relating to child custody or visitation in a proceeding under this article.

19-11-104.

(a) A tribunal of Georgia shall apply Parts 1 through 6 and, as applicable, Part 7 of this article to a support proceeding involving:

(1) A foreign support order;

(2) A foreign tribunal; or

(3) An obligee, obligor, or child residing in a foreign country.

(b) A tribunal of Georgia that is requested to recognize and enforce a support order on the basis of comity may apply the procedural and substantive provisions of Parts 1 through 6 of this article.

(c) Part 7 of this article applies only to a support proceeding under the convention. In such a proceeding, if a provision of Part 7 of this article is inconsistent with Parts 1 through 6 of this article, Part 7 of this article controls.

## Part 2

19-11-110.

(a) In a proceeding to establish, or enforce, ~~or modify~~ a support order or to determine parentage of a child, a tribunal of this state may exercise personal jurisdiction over a nonresident individual or the individual's guardian or conservator if:

- (1) The individual is personally served with process within Georgia;
  - (2) The individual submits to the jurisdiction of Georgia by consent, by entering a general appearance, or by filing a responsive document having the effect of waiving any contest to personal jurisdiction;
  - (3) The individual resided with the child in Georgia;
  - (4) The individual resided in Georgia and provided prenatal expenses or support for the child;
  - (5) The child resides in Georgia as a result of the acts or directives of the individual;
  - (6) The individual engaged in sexual intercourse in Georgia and the child may have been conceived by that act of intercourse;
  - (7) The individual asserted parentage of a child in the putative father registry maintained in this state by the Department of Human Services; or
  - (8) There is any other basis consistent with the Constitutions of Georgia and the United States for the exercise of personal jurisdiction.
- (b) The bases of personal jurisdiction set forth in subsection (a) of this Code section or in any other law of this state may not be used to acquire personal jurisdiction for a tribunal of this state to modify a child support order of another state unless the requirements of Code Section 19-11-170 are met, or, in the case of a foreign support order, unless the requirements of Code Section 19-11-174 are met.

19-11-111.

Personal jurisdiction acquired by a tribunal of Georgia in a proceeding under this article or other law of Georgia relating to a support order continues so long as a tribunal of Georgia has continuing, exclusive jurisdiction to modify its order or continuing jurisdiction to enforce its order as provided by Code Sections 19-11-114, 19-11-115, and 19-11-119.1. A tribunal of Georgia exercising personal jurisdiction over a nonresident under Code Section 19-11-110 may apply Code Section 19-11-135 to receive evidence from another state and Code Section 19-11-137 to obtain discovery through a tribunal of another state. In all other respects, Parts 3 through 7 of this article do not apply and the tribunal shall apply the procedural and substantive law of Georgia, including the rules on choice of law other than those established by this article.

19-11-112.

Under this article, a tribunal in Georgia may serve as an initiating tribunal to forward proceedings to a tribunal of another state and as a responding tribunal for proceedings initiated in another state or foreign country.

19-11-113.

(a) A tribunal in Georgia may exercise jurisdiction to establish a support order if the petition or comparable pleading is filed after a pleading is filed in another state or a foreign country only if:

- (1) The petition or comparable pleading in Georgia is filed before the expiration of the time allowed in the other state or the foreign country for filing a responsive

pleading challenging the exercise of jurisdiction by the other state or the foreign country;

(2) The contesting party timely challenges the exercise of jurisdiction in the other state or the foreign country; and

(3) If relevant, Georgia is the home state of the child.

(b) A tribunal in Georgia may not exercise jurisdiction to establish a support order if the petition or comparable pleading is filed before a petition or comparable pleading is filed in another state or a foreign country if:

(1) The petition or comparable pleading in the other state or foreign country is filed before the expiration of the time allowed in Georgia for filing a responsive pleading challenging the exercise of jurisdiction by Georgia;

(2) The contesting party timely challenges the exercise of jurisdiction in Georgia; and

(3) If relevant, the other state or foreign country is the home state of the child.

19-11-114.

(a) A tribunal in Georgia ~~issuing a~~ that has issued a child support order consistent with the law of Georgia has and shall exercise continuing, exclusive jurisdiction ~~over a~~ to modify its child support order if the order is the controlling order and:

(1) At the time of the filing of a request for modification Georgia is ~~As long as Georgia remains~~ the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued; or

(2) Even if Georgia is not the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued, the parties consent in a record or in open court that the tribunal of Georgia may continue to exercise jurisdiction to modify its order. Until all of the parties who are individuals have filed written consents with the tribunal in Georgia for a tribunal of another state to modify the order and assume continuing, exclusive jurisdiction.

(b) A tribunal in Georgia ~~issuing~~ that has issued a child support order consistent with the law of Georgia may not exercise ~~its~~ continuing, exclusive jurisdiction to modify the order ~~if the order has been modified by a tribunal of another state pursuant to this article or a law substantially similar to this article~~:

(1) All of the parties who are individuals file consent in a record with the tribunal of Georgia that a tribunal of another state that has jurisdiction over at least one of the parties who is an individual or that is located in the state of residence of the child may modify the order and assume continuing, exclusive jurisdiction; or

(2) Its order is not the controlling order.

~~(c) If a child support order of Georgia is modified by a tribunal of another state pursuant to this article or a law substantially similar to this article, a tribunal in Georgia loses its continuing, exclusive jurisdiction with regard to prospective enforcement of the order issued in Georgia and may only:~~

~~(1) Enforce the order that was modified as to amounts accruing before the modification;~~

~~(2) Enforce nonmodifiable aspects of that order; and~~

~~(3) Provide other appropriate relief for violations of that order which occurred before the effective date of the modification.~~

~~(d)(c) If A tribunal of Georgia shall recognize the continuing, exclusive jurisdiction of a tribunal of another state which has issued a child support order pursuant to this article or a law substantially similar to this article which modifies a child support order of a tribunal of Georgia, tribunals of Georgia shall recognize the continuing, exclusive jurisdiction of the tribunal of the other state.~~

(d) A tribunal of Georgia that lacks continuing, exclusive jurisdiction to modify a child support order may serve as an initiating tribunal to request a tribunal of another state to modify a support order issued in that state.

(e) A temporary support order issued ex parte or pending resolution of a jurisdictional conflict does not create continuing, exclusive jurisdiction in the issuing tribunal.

~~(f) A tribunal of Georgia issuing a support order consistent with the law of Georgia has continuing, exclusive jurisdiction over a spousal support order throughout the existence of the support obligation. A tribunal of Georgia may not modify a spousal support order issued by a tribunal of another state having continuing, exclusive jurisdiction over that order under the law of that state.~~

19-11-115.

(a) A tribunal in Georgia that has issued a child support order consistent with the law of Georgia may serve as an initiating tribunal to request a tribunal of another state to enforce; or modify a support order issued in that state

(1) The order if the order is the controlling order and has not been modified by a tribunal of another state that assumed jurisdiction pursuant to this article; or

(2) A money judgment for arrears of support and interest on the order accrued before a determination that an order of a tribunal of another state is the controlling order.

~~(b) A tribunal in Georgia having continuing, exclusive jurisdiction over a support order may act as a responding tribunal to enforce or modify the order. If a party subject to the continuing, exclusive jurisdiction of the tribunal no longer resides in the issuing state, in subsequent proceedings the tribunal may apply Code Section 19-11-135 to receive evidence from another state and Code Section 19-11-137 to obtain discovery through a tribunal of another state.~~

~~(c) A tribunal in Georgia which lacks continuing, exclusive jurisdiction over a spousal support order may not serve as a responding tribunal to modify a spousal support order of another state.~~

19-11-116.

(a) If a proceeding is brought under this article and only one tribunal has issued a child support order, the order of that tribunal controls and must be so recognized.

(b) If a proceeding is brought under this article and two or more child support orders have been issued by tribunals of Georgia ~~or~~, another state, or a foreign country with regard to the same obligor and same child, a tribunal of Georgia having personal jurisdiction over both the obligor and individual obligee shall apply the following rules

~~in determining~~ and by order shall determine which order to recognize for purposes of continuing, exclusive jurisdiction controls and must be recognized:

(1) If only one of the tribunals would have continuing, exclusive jurisdiction under this article, the order of that tribunal controls ~~and must be so recognized~~;

(2) If more than one of the tribunals would have continuing, exclusive jurisdiction under this article;

(A) ~~An~~ an order issued by a tribunal in the current home state of the child controls ~~and must be so recognized, but; or~~

(B) ~~If~~ if an order has not been issued in the current home state of the child, the order most recently issued controls ~~and must be so recognized~~; or

(3) If none of the tribunals would have continuing, exclusive jurisdiction under this article, the tribunal of Georgia ~~having jurisdiction over the parties~~ shall issue a child support order, which controls ~~and must be so recognized~~.

(c) If two or more child support orders have been issued for the same obligor and same child and if the obligor or the individual obligee resides in Georgia, a party may request, upon request of a party who is an individual or that is a support enforcement agency, a tribunal in Georgia to having personal jurisdiction over both the obligor and the obligee who is an individual shall determine which order controls and must be so recognized under subsection (b) of this Code section. The request must be accompanied by a certified copy of every support order in effect. The requesting party shall give notice of the request to each party whose rights may be affected by the determination. The request may be filed with a registration for enforcement or registration for modification pursuant to Part 6 of this article or may be filed as a separate proceeding.

(d) A request to determine which is the controlling order must be accompanied by a copy of every child support order in effect and the applicable record of payments. The requesting party shall give notice of the request to each party whose rights may be affected by the determination.

~~(d)~~(e) The tribunal that issued the controlling order under subsection (a), (b), or (c) of this Code section ~~is the tribunal that has continuing, exclusive jurisdiction under to the extent provided in Code Section Sections 19-11-114 and 19-11-115.~~

~~(e)~~(f) A tribunal of Georgia ~~which that~~ determines by order ~~the identity of which is~~ the controlling order under paragraph (1) or (2) of subsection (b) or subsection (c) of this Code section or which that issues a new controlling order under paragraph (3) of subsection (b) of this Code section shall state in that order:

(1) ~~The~~ the basis upon which the tribunal made its determination;

(2) The amount of prospective support, if any; and

(3) The total amount of consolidated arrears and accrued interest, if any, under all of the orders after all payments made are credited as provided by Code Section 19-11-118.

~~(f)~~(g) Within 30 days after issuance of an order determining ~~the identity of which is~~ the controlling order, the party obtaining the order shall file a certified copy of it with in each tribunal that issued or registered an earlier order of child support. A party ~~who~~

~~obtains~~ or support enforcement agency obtaining the order ~~and that~~ fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The failure to file does not affect the validity or enforceability of the controlling order.

(h) An order that has been determined to be the controlling order, or a judgment for consolidated arrears of support and interest, if any, made pursuant to this Code section must be recognized in proceedings under this article.

19-11-117.

In responding to ~~multiple~~ registrations or petitions for enforcement of two or more child support orders in effect at the same time with regard to the same obligor and different individual obligees, at least one of which was issued by a tribunal of another state or a foreign country, a tribunal of Georgia shall enforce those orders in the same manner as if the ~~multiple~~ orders had been issued by a tribunal of Georgia.

19-11-118.

A tribunal of Georgia shall credit amounts ~~Amounts~~ collected ~~and credited~~ for a particular period pursuant to ~~a support order~~ any child support order against the amounts owed for the same period under any other child support order for support of the same child issued by a tribunal of Georgia or another state ~~must be credited against the amounts accruing or accrued for the same period under a support order issued by the tribunal of Georgia, or a foreign country.~~

19-11-119.

A tribunal of Georgia exercising personal jurisdiction over a nonresident in a proceeding under this article, under other law of Georgia relating to a support order, or recognizing a foreign support order may receive evidence from outside this state pursuant to Code Section 19-11-135, communicate with a tribunal outside this state pursuant to Code Section 19-11-136, and obtain discovery through a tribunal outside this state pursuant to Code Section 19-11-137. In all other respects, Parts 3 through 6 of this article do not apply and the tribunal shall apply the procedural and substantive law of Georgia.

19-11-119.1.

(a) A tribunal of Georgia issuing a spousal support order consistent with the law of Georgia has continuing, exclusive jurisdiction to modify the spousal support order throughout the existence of the support obligation.

(b) A tribunal of Georgia may not modify a spousal support order issued by a tribunal of another state or a foreign country having continuing, exclusive jurisdiction over that order under the law of that state or foreign country.

(c) A tribunal of Georgia that has continuing, exclusive jurisdiction over a spousal support order may serve as:

- (1) An initiating tribunal to request a tribunal of another state to enforce the spousal support order issued in this state; or
- (2) A responding tribunal to enforce or modify its own spousal support order.

### Part 3

19-11-120.

(a) Except as otherwise provided in this article, this part applies to all proceedings under this article.

~~(b) This article provides for the following proceedings:~~

- ~~(1) Establishment of an order for spousal support or child support pursuant to Part 4 of this article;~~
- ~~(2) Enforcement of a support order and income withholding order of another state without registration pursuant to Part 5 of this article;~~
- ~~(3) Registration of an order for spousal support or child support of another state for enforcement pursuant to Part 6 of this article;~~
- ~~(4) Modification of an order for child support or spousal support issued by a tribunal of Georgia pursuant to Code Sections 19-11-112 through 19-11-115;~~
- ~~(5) Registration of an order for child support of another state for modification pursuant to Part 6 of this article;~~
- ~~(6) Determination of parentage pursuant to Part 7 of this article; and~~
- ~~(7) Assertion of jurisdiction over nonresidents pursuant to Code Sections 19-11-110 and 19-11-111.~~

~~(e)~~(b) An individual petitioner or a support enforcement agency may ~~commence~~ initiate a proceeding authorized under this article by filing a petition in an initiating tribunal for forwarding to a responding tribunal or by filing a petition or a comparable pleading directly in a tribunal of another state or a foreign country which has or can obtain personal jurisdiction over the respondent.

19-11-121.

A minor parent, or a guardian or other legal representative of a minor parent, may maintain a proceeding on behalf of or for the benefit of the minor's child.

19-11-122.

Except as otherwise provided ~~by~~ in this article, a responding tribunal of Georgia:

- (1) Shall apply the procedural and substantive law, ~~including the rules on choice of law,~~ generally applicable to similar proceedings originating in Georgia and may exercise all powers and provide all remedies available in those proceedings; and
- (2) Shall determine the duty of support and the amount payable in accordance with the law and support guidelines of Georgia.

19-11-123.

(a) Upon the filing of a petition authorized by this article, an initiating tribunal of ~~this state~~ Georgia shall forward ~~three copies of~~ the petition and its accompanying documents:

(1) To the responding tribunal or appropriate support enforcement agency in the responding state; or

(2) If the identity of the responding tribunal is unknown, to the state information agency of the responding state with a request that they be forwarded to the appropriate tribunal and that receipt be acknowledged.

(b) ~~If a responding state has not enacted this article or a law or procedure substantially similar to this article~~ requested by the responding tribunal, a tribunal of Georgia ~~may~~ shall issue a certificate or other document and make findings required by the law of the responding state. If the responding ~~state~~ tribunal is in a foreign ~~jurisdiction, country,~~ upon request the tribunal ~~may of Georgia shall~~ specify the amount of support sought, convert that amount into the equivalent amount in the foreign currency under applicable official or market exchange rate as publicly reported, and provide any other documents necessary to satisfy the requirements of the responding ~~state~~ foreign tribunal.

19-11-124.

(a) When a responding tribunal of Georgia receives a petition or comparable pleading from an initiating tribunal or directly pursuant to subsection ~~(e)~~ (b) of Code Section 19-11-120, it shall cause the petition or pleading to be filed and notify the petitioner where and when it was filed.

(b) A responding tribunal of Georgia, to the extent ~~otherwise authorized~~ not prohibited by other law, may do one or more of the following:

(1) Establish Issue or enforce a support order, modify a child support order, determine the controlling child support order, or ~~render a judgment to~~ determine parentage of a child;

(2) Order an obligor to comply with a support order, specifying the amount and the manner of compliance;

(3) Order income withholding;

(4) Determine the amount of any arrearages and specify a method of payment;

(5) Enforce orders by civil or criminal contempt, or both;

(6) Set aside property for satisfaction of the support order;

(7) Place liens and order execution on the obligor's property;

(8) Order an obligor to keep the tribunal informed of the obligor's current residential address, e-mail address, telephone number, employer, address of employment, and telephone number at the place of employment;

(9) Issue an order for the arrest of an obligor who has failed after proper notice to appear at a hearing ordered by the tribunal and enter the arrest order in any local and state computer systems for criminal warrants;

(10) Order the obligor to seek appropriate employment by specified methods;

(11) Award reasonable attorney's fees and other fees and costs; and

- (12) Grant any other available remedy.
- (c) A responding tribunal of Georgia shall include in a support order issued under this article, or in the documents accompanying the order, the calculations on which the support order is based.
- (d) A responding tribunal of Georgia may not condition the payment of a support order issued under this article upon compliance by a party with provisions for visitation.
- (e) If a responding tribunal of Georgia issues an order under this article, the tribunal shall send a copy of the order to the petitioner and the respondent and to the initiating tribunal, if any.
- (f) If requested to enforce a support order, arrears, or judgment or modify a support order stated in a foreign currency, a responding tribunal of Georgia shall convert the amount stated in the foreign currency to the equivalent amount in dollars under the applicable official or market exchange rate as publicly reported.

19-11-125.

If a petition or comparable pleading is received by an inappropriate tribunal of this state, ~~the tribunal~~ shall forward the pleading and accompanying documents to an appropriate tribunal ~~in~~ of this state or another state and notify the petitioner where and when the pleading was sent.

19-11-126.

- (a) A support enforcement agency of this state, upon request, shall provide services to a petitioner in a proceeding under this article.
- (b) A support enforcement agency of this state that is providing services to the petitioner ~~as appropriate~~ shall:
- (1) Take all steps necessary to enable an appropriate tribunal ~~in~~ of Georgia ~~or~~, another state, or a foreign country to obtain jurisdiction over the respondent;
  - (2) Request an appropriate tribunal to set a date, time, and place for a hearing;
  - (3) Make a reasonable effort to obtain all relevant information, including information as to income and property of the parties;
  - (4) Within five days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a written notice in a record from an initiating, responding, or registering tribunal, send a copy of the notice to the petitioner or other appropriate agency;
  - (5) Within five days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a written communication in a record from the respondent or the respondent's attorney, send a copy of the communication to the petitioner; and
  - (6) Notify the petitioner if jurisdiction over the respondent cannot be obtained.
- (c) A support enforcement agency of this state that requests registration of a child support order in this state for enforcement or for modification shall make reasonable efforts:
- (1) To ensure that the order to be registered is the controlling order; or

(2) If two or more child support orders exist and the identity of the controlling order has not been determined, to ensure that a request for such a determination is made in a tribunal having jurisdiction to do so.

(d) A support enforcement agency of this state that requests registration and enforcement of a support order, arrears, or judgment stated in a foreign currency shall convert the amounts stated in the foreign currency into the equivalent amounts in dollars under the applicable official or market exchange rate as publicly reported.

(e) A support enforcement agency of this state shall issue or request a tribunal of Georgia to issue a child support order and an income withholding order that redirect payment of current support, arrears, and interest if requested to do so by a support enforcement agency of another state pursuant to Code Section 19-11-138.

(e)(f) This article does not create a relationship of attorney-client or other fiduciary relationship between a support enforcement agency or the attorney for the agency and the individual being assisted by the agency.

19-11-127.

~~(a) The district attorney of each judicial circuit shall be authorized to represent the Department of Human Services in any proceeding under this article; otherwise, at the option of the district attorney, actions under this article on behalf of the department shall be brought by attorneys appointed by the Attorney General. Written delegation of such duties previously executed by a district attorney pursuant to Article 2 of this chapter, the 'Uniform Reciprocal Enforcement of Support Act,' particularly Code Section 19-11-53, shall constitute a delegation of such representation to the Attorney General for purposes of this article. In all actions brought or maintained by the Department of Human Services, the department shall be regarded as the sole client of such attorney, and no attorney-client relationship shall be created between such attorney and any individual seeking or receiving services under this article through the Department of Human Services. The department may require a completed application for services pursuant to Title IV-D of the federal Social Security Act as a condition of providing any services under this article.~~

~~(b) Where a support order is established pursuant to Code Section 19-11-140 incident to representation of the department by the district attorney, there shall be paid to the county in which the petition is handled the sum of \$50.00 for each such support order established, whether this state is the initiating or responding jurisdiction.~~

~~(e)(a) If the Attorney General determines that the support enforcement agency is neglecting or refusing to provide services to an individual, the Attorney General may provide those services directly to the individual.~~

(b) The Attorney General may determine that a foreign country has established a reciprocal arrangement for child support with this state and take appropriate action for notification of the determination.

19-11-128.

An individual may employ private counsel to represent the individual in proceedings authorized by this article.

19-11-129.

(a) The Department of Human Services is the state information agency under this article.

(b) The state information agency shall:

(1) Compile and maintain a current list, including addresses, of the tribunals in this state which have jurisdiction under this article and any support enforcement agencies in this state and transmit a copy to the state information agency of every other state;

(2) Maintain a register of names and addresses of tribunals and support enforcement agencies received from other states;

(3) Forward to the appropriate tribunal in the ~~place~~ county in Georgia in which the ~~individual~~ obligee who is an individual or the obligor resides, or in which the obligor's property is believed to be located, all documents concerning a proceeding under this article received from ~~an initiating tribunal or the state information agency of the initiating another~~ state or a foreign country; and

(4) Obtain information concerning the location of the obligor and the obligor's property within this state not exempt from execution, by such means as postal verification and federal or state locator services, examination of telephone directories, requests for the obligor's address from employers, and examination of governmental records, including, to the extent not prohibited by other law, those relating to real property, vital statistics, law enforcement, taxation, motor vehicles, ~~driver's~~ drivers' licenses, and social security.

19-11-130.

(a) In a proceeding under this article, a ~~A~~ petitioner seeking to establish ~~or modify~~ a support order ~~or~~ to determine parentage in a proceeding under this article must verify the of a child, or to register and modify a support order of a tribunal of another state or a foreign country must file a petition. Unless otherwise ordered under Code Section 19-11-131, the petition or accompanying documents must provide, so far as known, the name, residential address, and social security numbers of the obligor and the obligee or the parent and alleged parent and the name, sex, residential address, social security number, and date of birth of each child for ~~whom~~ whose benefit support is sought. ~~The or whose parentage is to be determined.~~ Unless filed at the time of registration, the petition must be accompanied by a certified copy of any support order in effect known to have been issued by another tribunal. The petition may include any other information that may assist in locating or identifying the respondent.

(b) The petition must specify the relief sought. The petition and accompanying documents must conform substantially with the requirements imposed by the forms mandated by federal law for use in cases filed by a support enforcement agency.

19-11-131.

~~If a party alleges in an affidavit or a pleading under oath that the health, safety, or liberty of a party or child would be jeopardized by disclosure of specific identifying information, that information must be sealed and may not be disclosed to the other party or the public. After a hearing in which a tribunal takes into consideration the health, safety, or liberty of the party or child, the tribunal may order disclosure of information that the tribunal determines to be in the interest of justice. Upon a finding, which may be made ex parte, that the health, safety, or liberty of a party or child would be unreasonably put at risk by the disclosure of identifying information, or if an existing order so provides, a tribunal shall order that the address of the child or party or other identifying information not be disclosed in a pleading or other document filed in a proceeding under this article.~~

19-11-132.

- (a) The petitioner may not be required to pay a filing fee or other costs.
- (b) If an obligee prevails, a responding tribunal of Georgia may assess against an obligor filing fees, reasonable attorney's fees, other costs, and necessary travel and other reasonable expenses incurred by the obligee and the obligee's witnesses. The tribunal may not assess fees, costs, or expenses against the obligee or the support enforcement agency of either the initiating or the responding state or foreign country, except as provided by other law. Attorney's fees may be taxed as costs and may be ordered paid directly to the attorney, who may enforce the order in the attorney's own name. Payment of support owed to the obligee has priority over fees, costs, and expenses.
- (c) The tribunal shall order the payment of costs and reasonable attorney's fees if it determines that a hearing was requested primarily for delay. In a proceeding under Part 6 of this article, a hearing is presumed to have been requested primarily for delay if a registered support order is confirmed or enforced without change.

19-11-133.

- (a) Participation by a petitioner in a proceeding under this article before a responding tribunal, whether in person, by private attorney, or through services provided by the support enforcement agency, does not confer personal jurisdiction over the petitioner in another proceeding.
- (b) A petitioner is not amenable to service of civil process while physically present in this state to participate in a proceeding under this article.
- (c) The immunity granted by this Code section does not extend to civil litigation based on acts unrelated to a proceeding under this article committed by a party while physically present in Georgia to participate in the proceeding.

19-11-134.

A party whose parentage of a child has been previously determined by or pursuant to law may not plead nonparentage as a defense to a proceeding under this article.

19-11-135.

(a) The physical presence of ~~the petitioner~~ a nonresident party who is an individual in a ~~responding~~ tribunal of Georgia is not required for the establishment, enforcement, or modification of a support order or the rendition of a judgment determining parentage of a child.

(b) ~~An A-verified petition~~, affidavit, a document substantially complying with federally mandated forms, and or a document incorporated by reference in any of them, which would not be excluded under the hearsay rule if given in person, is admissible in evidence if given under oath penalty of perjury by a party or witness residing in another outside this state.

(c) A copy of the record of child support payments certified as a true copy of the original by the custodian of the record may be forwarded to a responding tribunal. The copy is evidence of facts asserted in it and is admissible to show whether payments were made.

(d) Copies of bills for testing for parentage of a child, and for prenatal and postnatal health care of the mother and child, furnished to the adverse party at least ten days before trial, are admissible in evidence to prove the amount of the charges billed and that the charges were reasonable, necessary, and customary.

(e) Documentary evidence transmitted from ~~another~~ outside this state to a tribunal of Georgia by telephone, telecopier, or other electronic means that do not provide an original ~~writing~~ record may not be excluded from evidence on an objection based on the means of transmission.

(f) In a proceeding under this article, a tribunal of Georgia ~~may~~ shall permit a party or witness residing ~~in another~~ outside this state to be deposed or to testify under penalty of perjury by telephone, audiovisual means, or other electronic means at a designated tribunal or other location ~~in that state~~. A tribunal of ~~this state~~ Georgia shall cooperate with other tribunals ~~of other states~~ in designating an appropriate location for the deposition or testimony.

(g) If a party called to testify at a civil hearing refuses to answer on the ground that the testimony may be self-incriminating, the trier of fact may draw an adverse inference from the refusal.

(h) A privilege against disclosure of communications between spouses does not apply in a proceeding under this article.

(i) The defense of immunity based on the relationship of husband and wife or parent and child does not apply in a proceeding under this article.

(j) A voluntary acknowledgment of paternity, certified as a true copy, is admissible to establish parentage of the child.

19-11-136.

A tribunal in Georgia may communicate with a tribunal ~~of another~~ outside this state in ~~writing~~ a record, or by telephone, e-mail, or other means, to obtain information concerning the laws ~~of that state~~, the legal effect of a judgment, decree, or order of that

tribunal, and the status of a proceeding ~~in the other state~~. A tribunal in Georgia may furnish similar information by similar means to a tribunal ~~of another~~ outside this state.

19-11-137.

A tribunal of this state may:

- (1) Request a tribunal ~~of another~~ outside this state to assist in obtaining discovery; and
- (2) Upon request, compel a person over ~~whom~~ which it has jurisdiction to respond to a discovery order issued by a tribunal ~~of another~~ outside this state.

19-11-138.

(a) A support enforcement agency or tribunal in Georgia shall disburse promptly any amounts received pursuant to a support order, as directed by the order. The agency or tribunal shall furnish to a requesting party or tribunal of another state or a foreign country a certified statement by the custodian of the record of the amounts and dates of all payments received.

(b) If neither the obligor, nor the obligee who is an individual, nor the child resides in this state, upon request from the support enforcement agency of Georgia or another state, the support enforcement agency of this state or a tribunal of this state shall:

- (1) Direct that the support payment be made to the support enforcement agency in the state in which the obligee is receiving services; and
- (2) Issue and send to the obligor's employer a conforming income withholding order or an administrative notice of change of payee, reflecting the redirected payments.

(c) The support enforcement agency of this state receiving redirected payments from another state pursuant to a law similar to subsection (b) of this Code section shall furnish to a requesting party or tribunal of the other state a certified statement by the custodian of the record of the amount and dates of all payments received.

#### Part 4

19-11-140.

(a) If a support order entitled to recognition under this article has not been issued, a responding tribunal of this state with personal jurisdiction over the parties may issue a support order if:

- (1) The individual seeking the order resides ~~in another~~ outside this state; or
- (2) The support enforcement agency seeking the order is located ~~in another~~ outside this state.

(b) The tribunal may issue a temporary child support order if the tribunal determines that such an order is appropriate and the individual ordered to pay is:

- (1) A presumed father of the child ~~The respondent has signed a verified statement acknowledging parentage;~~
- (2) Petitioning to have his paternity adjudicated; ~~The respondent has been determined by or pursuant to law to be the parent; or~~

- (3) Identified as the father of the child through genetic testing; ~~There is other clear and convincing evidence that the respondent is the child's parent~~
  - (4) An alleged father who has declined to submit to genetic testing;
  - (5) Shown by clear and convincing evidence to be the father of the child;
  - (6) An acknowledged father as provided by applicable state law or the law of a foreign country;
  - (7) The mother of the child; or
  - (8) An individual who has been ordered to pay child support in a previous proceeding and the order has not been reversed or vacated.
- (c) Upon finding, after notice and opportunity to be heard, that an obligor owes a duty of support, the tribunal shall issue a support order directed to the obligor and may issue other orders pursuant to Code Section 19-11-124.

19-11-141.

A tribunal of Georgia authorized to determine parentage of a child may serve as a responding tribunal in a proceeding to determine parentage of a child brought under this article or a law or procedure substantially similar to this article.

#### Part 5

19-11-150.

An income-withholding order issued in another state may be sent by or on behalf of the obligee, or by the support enforcement agency, to the person defined as the obligor's employer pursuant to Code Sections 19-6-31 through 19-6-33 without first filing a petition or comparable pleading or registering the order with a tribunal of this state.

19-11-151.

- (a) Upon receipt of an income-withholding order, the obligor's employer shall immediately provide a copy of the order to the obligor.
- (b) The employer shall treat an income-withholding order issued in another state which appears regular on its face as if it had been issued by a tribunal of Georgia.
- (c) Except as otherwise provided by subsection (d) of this Code section and Code Section 19-11-152, the employer shall withhold and distribute the funds as directed in the withholding order by complying with the terms of the order which specify:
  - (1) The duration and the amount of periodic payments of current child support, stated as a sum certain;
  - (2) The person ~~or agency~~ designated to receive payments and the address to which the payments are to be forwarded;
  - (3) Medical support, whether in the form of periodic cash payment, stated as a sum certain, or ordering the obligor to provide health insurance coverage for the child under a policy available through the obligor's employment;
  - (4) The amount of periodic payments of fees and costs for a support enforcement agency, the issuing tribunal, and the obligee's attorney, stated as sums certain; and

(5) The amount of periodic payments of arrearages and interest on arrearages, stated as sums certain.

(d) An employer shall comply with the law of the state of the obligor's principal place of employment for withholding from income with respect to:

- (1) The employer's fee for processing an income-withholding order;
- (2) The maximum amount permitted to be withheld from the obligor's income; and
- (3) The time periods within which the employer must implement the withholding order and forward the child support payment.

19-11-152.

If an obligor's employer receives ~~multiple~~ two or more income-withholding orders with respect to the earnings of the same obligor, the employer satisfies the terms of the ~~multiple~~ orders if the employer complies with the law of the state of the obligor's principal place of employment to establish the priorities for withholding and allocating income withheld for ~~multiple~~ two or more child support obligees.

19-11-153.

An employer ~~who~~ that complies with an income-withholding order issued in another state in accordance with this article is not subject to civil liability to an individual or agency with regard to the employer's withholding of child support from the obligor's income.

19-11-154.

An employer ~~who~~ that willfully fails to comply with an income-withholding order issued ~~by~~ in another state and received for enforcement is subject to the same penalties that may be imposed for noncompliance with an order issued by a tribunal in Georgia.

19-11-155.

(a) An obligor may contest the validity or enforcement of an income-withholding order issued in another state and received directly by an employer in Georgia by registering the order in a tribunal of Georgia and filing a contest to that order as provided in Part 6 of this article, or otherwise contesting the order in the same manner as if the order had been issued by a tribunal of Georgia. ~~Code Section 19-11-163 applies to the contest.~~

(b) The obligor shall give notice of the contest to:

- (1) Any support enforcement agency providing services to the obligee;
- (2) Each employer that has directly received an income-withholding order relating to the obligor; and
- (3) The person ~~or agency~~ designated to receive payments in the income-withholding order or, if no person ~~or agency~~ is designated, to the obligee.

19-11-156.

(a) A party or support enforcement agency seeking to enforce a support order or an income-withholding order, or both, issued ~~by a tribunal of~~ in another state or a foreign

support order may send the documents required for registering the order to a support enforcement agency of Georgia.

(b) Upon receipt of the documents, the support enforcement agency, without initially seeking to register the order, shall consider and, if appropriate, use any administrative procedure authorized by the law of Georgia to enforce a support order or an income-withholding order, or both. If the obligor does not contest administrative enforcement, the order need not be registered. If the obligor contests the validity or administrative enforcement of the order, the support enforcement agency shall register the order pursuant to this article.

#### Part 6

19-11-160.

A support order or ~~an~~ income-withholding order issued by a ~~tribunal of~~ in another state or a foreign support order may be registered in Georgia for enforcement.

19-11-161.

(a) Except as otherwise provided in Code Section 19-11-184.1, a ~~A~~ support order or income-withholding order of another state or a foreign support order may be registered in Georgia by sending the following ~~documents and information~~ records to the appropriate tribunal in Georgia:

- (1) A letter of transmittal to the tribunal requesting registration and enforcement;
- (2) Two copies, including one certified copy, of ~~all orders~~ the order to be registered, including any modification of ~~an~~ the order;
- (3) A sworn statement by the ~~party seeking~~ person requesting registration or a certified statement by the custodian of the records showing the amount of any arrearage;
- (4) The name of the obligor and, if known:
  - (A) The obligor's address and social security number;
  - (B) The name and address of the obligor's employer and any other source of income of the obligor; and
  - (C) A description and the location of property of the obligor in Georgia not exempt from execution; and
- (5) Except as otherwise provided in Code Section 19-11-131, ~~The~~ name and address of the obligee and, if applicable, the ~~agency or~~ person to whom support payments are to be remitted.

(b) On receipt of a request for registration, the registering tribunal shall cause the order to be filed as ~~a foreign judgment~~ an order of a tribunal of another state or a foreign support order, together with one copy of the documents and information, regardless of their form.

(c) A petition, motion, or comparable filing seeking a remedy that must be affirmatively sought under other laws of this state, and discovery incident thereto, may be filed at the same time as the request for registration or later. The pleading, motion,

or other filing must specify the grounds for the remedy sought. For purposes of this subsection, remedies sought may include, but are not limited to, a rule for contempt or a petition for entry of an income deduction order.

(d) If two or more orders are in effect, the person requesting registration shall:

(1) Furnish to the tribunal a copy of every support order asserted to be in effect in addition to the documents specified in this Code section;

(2) Specify the order alleged to be the controlling order, if any; and

(3) Specify the amount of consolidated arrears, if any.

(e) A request for a determination of which is the controlling order may be filed separately or with a request for registration and enforcement or for registration and modification. The person requesting registration shall give notice of the request to each party whose rights may be affected by the determination.

19-11-162.

(a) A support order or income-withholding order issued in another state or a foreign support order is registered when the order is filed in the registering tribunal of Georgia.

(b) A registered support order issued in another state or a foreign country is enforceable in the same manner and is subject to the same procedures as an order issued by a tribunal in Georgia.

(c) Except as otherwise provided in this part, a tribunal in Georgia shall recognize and enforce, but may not modify, a registered support order if the issuing tribunal had jurisdiction.

19-11-163.

(a) Except as otherwise provided in subsection (d) of this Code section, the law of the issuing state or foreign country governs:

(1) The nature, extent, amount, and duration of current payments and other obligations of support and the under a registered support order;

(2) The computation and payment of arrearages and accrual of interest on the arrearages under the support order; and

(3) The existence and satisfaction of other obligations under the support order.

(b) In a proceeding for arrearages arrears under a registered support order, the statute of limitation under the laws of Georgia or of the issuing state or foreign country, whichever is longer, applies.

(c) A responding tribunal of Georgia shall apply the procedures and remedies of this state to enforce current support and collect arrears and interest due on a support order of another state or a foreign country registered in Georgia.

(d) After a tribunal of Georgia or another state determines which is the controlling order and issues an order consolidating arrears, if any, a tribunal of Georgia shall prospectively apply the law of the state or foreign country issuing the controlling order, including its law on interest on arrears, on current and future support, and on consolidated arrears.

19-11-164.

(a) When a support order or income-withholding order issued in another state or a foreign support order is registered, the registering tribunal of Georgia shall notify the nonregistering party. The notice must be accompanied by a copy of the registered order and the documents and relevant information accompanying the order.

(b) ~~The~~ A notice must inform the nonregistering party:

(1) That a registered order is enforceable as of the date of registration in the same manner as an order issued by a tribunal of Georgia;

(2) That a hearing to contest the validity or enforcement of the registered order must be requested within 20 days after notice unless the registered order is under Code Section 19-11-184.2;

(3) That failure to contest the validity or enforcement of the registered order in a timely manner will result in confirmation of the order and enforcement of the order and the alleged arrearages and precludes further contest of that order with respect to any matter that could have been asserted; and

(4) Of the amount of any alleged arrearages.

(c) If the registering party asserts that two or more orders are in effect, a notice must also:

(1) Identify the two or more orders and the order alleged by the registering party to be the controlling order and the consolidated arrears, if any;

(2) Notify the nonregistering party of the right to a determination of which is the controlling order;

(3) State that the procedures provided in subsection (b) of this Code section apply to the determination of which is the controlling order; and

(4) State that failure to contest the validity or enforcement of the order alleged to be the controlling order in a timely manner may result in confirmation that the order is the controlling order.

~~(e)~~(d) Upon registration of an income-withholding order for enforcement, the support enforcement agency or the registering tribunal shall notify the obligor's employer pursuant to Code Sections 19-6-31 through 19-6-33.

19-11-165.

(a) A nonregistering party seeking to contest the validity or enforcement of a registered order in Georgia shall request a hearing within ~~20 days after notice of the registration~~ the time required by Code Section 19-11-164. The nonregistering party may seek to vacate the registration, to assert any defense to an allegation of noncompliance with the registered order, or to contest the remedies being sought or the amount of any alleged arrearages pursuant to Code Section 19-11-166.

(b) If the nonregistering party fails to contest the validity or enforcement of the registered support order in a timely manner, the order is confirmed by operation of law.

(c) If a nonregistering party requests a hearing to contest the validity or enforcement of the registered support order, the registering tribunal shall schedule the matter for hearing and give notice to the parties of the date, time, and place of the hearing.

19-11-166.

(a) A party contesting the validity or enforcement of a registered support order or seeking to vacate the registration has the burden of proving one or more of the following defenses:

- (1) The issuing tribunal lacked personal jurisdiction over the contesting party;
- (2) The order was obtained by fraud;
- (3) The order has been vacated, suspended, or modified by a later order;
- (4) The issuing tribunal has stayed the order pending appeal;
- (5) There is a defense under the law of Georgia to the remedy sought;
- (6) Full or partial payment has been made; ~~or~~
- (7) The statute of limitation under Code Section 19-11-163 precludes enforcement of some or all of the alleged arrearages; or
- (8) The alleged controlling order is not the controlling order.

(b) If a party presents evidence establishing a full or partial defense under subsection (a) of this Code section, a tribunal may stay enforcement of ~~the a~~ a registered support order, continue the proceeding to permit production of additional relevant evidence, and issue temporary or other appropriate orders. Any portion of the registered support order which is not in dispute may be enforced by all remedies available under the laws of Georgia.

(c) If the contesting party does not establish a defense under subsection (a) of this Code section to the validity or enforcement of ~~the a~~ a registered support order, the registering tribunal shall issue an order confirming the order.

19-11-167.

Confirmation of a registered support order, whether by operation of law or after notice and hearing, precludes further contest of the order with respect to any matter that could have been asserted at the time of registration.

19-11-168.

A party or support enforcement agency seeking to modify, or to modify and enforce, a child support order issued in another state shall register that order in Georgia in the same manner provided in Code Sections 19-11-160 through ~~19-11-163~~ 19-11-167 if the order has not been registered. A petition for modification may be filed at the same time as a request for registration, or later. The pleading must specify the grounds for modification.

19-11-169.

A tribunal of Georgia may enforce a child support order of another state registered for purposes of modification in the same manner as if the order had been issued by a tribunal of Georgia, but the registered support order may be modified only if the requirements of Code Section 19-11-170 or 19-11-172 have been met.

19-11-170.

(a) If Code Section 19-11-172 does not apply, upon petition a tribunal of Georgia may modify ~~After a child support order issued in another state has been~~ which is registered in Georgia, the responding tribunal of Georgia may modify that order only if Code Section 19-11-172 does not apply and if, after notice and hearing, it the tribunal finds that:

(1) The following requirements are met:

(A) Neither the ~~The~~ child, nor the individual obligee who is an individual, and nor the obligor do not reside resides in the issuing state;

(B) A petitioner who is a nonresident of Georgia seeks modification; and

(C) The respondent is subject to the personal jurisdiction of the tribunal of Georgia; or

(2) This state is the residence of the ~~The~~ child, or a party who is an individual, is subject to the personal jurisdiction of the tribunal of Georgia, and all of the parties who are individuals have filed written consents in a record in the issuing tribunal for a tribunal of this state to modify the support order and assume continuing, exclusive jurisdiction over the order. However, if the issuing state is a foreign jurisdiction that has not enacted a law or established procedures substantially similar to the procedures under this article, the consent otherwise required of an individual residing in this state is not required for the tribunal to assume jurisdiction to modify the child support order.

(b) Modification of a registered child support order is subject to the same requirements, procedures, and defenses that apply to the modification of an order issued by a tribunal of this state, and the order may be enforced and satisfied in the same manner.

(c) A tribunal in Georgia may not modify any aspect of a child support order that may not be modified under the law of the issuing state, including the duration of the obligation of support. If two or more tribunals have issued child support orders for the same obligor and same child, the order that controls and must be so recognized under the provisions of Code Section 19-11-116 establishes the aspects of the support order which are nonmodifiable.

(d) In a proceeding to modify a child support order, the law of the state that is determined to have issued the initial controlling order governs the duration of the obligation of support. The obligor's fulfillment of the duty of support established by that order precludes imposition of a further obligation of support by a tribunal of Georgia.

~~(d)~~(e) On issuance of an order by a tribunal of Georgia modifying a child support order issued in another state, a the tribunal of Georgia becomes the tribunal having continuing, exclusive jurisdiction.

(f) Notwithstanding subsections (a) through (e) of this Code section and subsection (b) of Code Section 19-11-110, a tribunal of Georgia retains jurisdiction to modify an order issued by a tribunal of Georgia if:

(1) One party resides in another state; and

(2) The other party resides outside the United States.

19-11-171.

If a child support order issued by a tribunal in Georgia shall recognize a modification of its earlier child support order is modified by a tribunal of another state which assumed jurisdiction pursuant to this article or a law substantially similar to this article and, upon request, except as otherwise provided in this article, shall, a tribunal of Georgia:

- (1) May enforce its ~~Enforce the~~ order that was modified only as to ~~amounts~~ arrears and interest accruing before the modification;
- ~~(2) Enforce only nonmodifiable aspects of that order;~~
- ~~(3)~~(2) May provide ~~Provide other~~ appropriate relief ~~only~~ for violations of ~~that~~ its order which occurred before the effective date of the modification; and
- ~~(4)~~(3) Shall recognize ~~Recognize~~ the modifying order of the other state, upon registration, for the purpose of enforcement.

19-11-172.

- (a) If all of the parties who are individuals reside in Georgia and the child does not reside in the issuing state, a tribunal in Georgia has jurisdiction to enforce and to modify the issuing state's child support order in a proceeding to register that order.
- (b) A tribunal in Georgia exercising jurisdiction as provided in this Code section shall apply the provisions of Parts 1 and 2 of this article and the procedural and substantive law of Georgia to the proceeding for enforcement or modification. Parts 3, 4, 5, 7, and 8 of this article do not apply.

19-11-173.

Within 30 days after issuance of a modified child support order, the party obtaining the modification shall file a certified copy of the order with the issuing tribunal that had continuing, exclusive jurisdiction over the earlier order and in each tribunal in which the party knows the earlier order has been registered. A party who obtains the order and fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The failure to file does not affect the validity or enforceability of the modified order of the new tribunal having continuing, exclusive jurisdiction.

19-11-174.

- (a) Except as otherwise provided in Code Section 19-11-184.6, if a foreign country lacks or refuses to exercise jurisdiction to modify its child support order pursuant to its laws, a tribunal of Georgia may assume jurisdiction to modify the child support order and bind all individuals subject to the personal jurisdiction of the tribunal whether the consent to modification of a child support order otherwise required of the individual pursuant to Code Section 19-11-170 has been given or whether the individual seeking modification is a resident of this state or of the foreign country.
- (b) An order issued by a tribunal of this state modifying a foreign child support order pursuant to this Code section is the controlling order.

19-11-175.

A party or support enforcement agency seeking to modify, or to modify and enforce, a foreign child support order not under the convention may register that order in this state under Code Sections 19-11-160 through 19-11-167 if the order has not been registered. A petition for modification may be filed at the same time as a request for registration, or at another time. The petition must specify the grounds for modification.

Part 7

19-11-180.

As used in this part, the term:

~~(a) A tribunal of this state may serve as an initiating or responding tribunal in a proceeding brought under this article or a law substantially similar to this article, or the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act to determine that the petitioner is a parent of a particular child or to determine that a respondent is a parent of that child.~~

~~(b) In a proceeding to determine parentage, a responding tribunal in Georgia shall apply the procedural and substantive law of this state and the rules of this state on choice of law.~~

(1) 'Application' means a request under the convention by an obligee or obligor, or on behalf of a child, made through a central authority for assistance from another central authority.

(2) 'Central authority' means the entity designated by the United States or a foreign country described in subparagraph (D) of paragraph (5) of Code Section 19-11-101 to perform the functions specified in the convention.

(3) 'Convention support order' means a support order of a tribunal of a foreign country described in subparagraph (D) of paragraph (5) of Code Section 19-11-101.

(4) 'Direct request' means a petition filed by an individual in a tribunal of Georgia in a proceeding involving an obligee, obligor, or child residing outside the United States.

(5) 'Foreign central authority' means the entity designated by a foreign country described in subparagraph (D) of paragraph (5) of Code Section 19-11-101 to perform the functions specified in the convention.

(6) 'Foreign support agreement':

(A) Means an agreement for support in a record that:

(i) Is enforceable as a support order in the country of origin;

(ii) Has been:

(I) Formally drawn up or registered as an authentic instrument by a foreign tribunal; or

(II) Authenticated by, or concluded, registered, or filed with, a foreign tribunal; and

(iii) May be reviewed and modified by a foreign tribunal; and

(B) Includes a maintenance arrangement or authentic instrument under the convention.

(7) 'United States central authority' means the secretary of the United States Department of Health and Human Services.

19-11-181.

This part applies only to a support proceeding under the convention. In such a proceeding, if a provision of this part is inconsistent with Parts 1 through 6 of this article, this part controls.

19-11-182.

The Department of Human Services is recognized as the agency designated by the United States central authority to perform specific functions under the convention.

19-11-183.

(a) In a support proceeding under this part, the Department of Human Services shall:

(1) Transmit and receive applications; and

(2) Initiate or facilitate the institution of a proceeding regarding an application in a tribunal of Georgia.

(b) The following support proceedings are available to an obligee under the convention:

(1) Recognition or recognition and enforcement of a foreign support order;

(2) Enforcement of a support order issued or recognized in Georgia;

(3) Establishment of a support order if there is no existing order, including, if necessary, determination of parentage of a child;

(4) Establishment of a support order if recognition of a foreign support order is refused under paragraph (2), (4), or (9) of subsection (b) of Code Section 19-11-184.3;

(5) Modification of a support order of a tribunal of Georgia; and

(6) Modification of a support order of a tribunal of another state or a foreign country.

(c) The following support proceedings are available under the convention to an obligor against which there is an existing support order:

(1) Recognition of an order suspending or limiting enforcement of an existing support order of a tribunal of Georgia;

(2) Modification of a support order of a tribunal of Georgia; and

(3) Modification of a support order of a tribunal of another state or a foreign country.

(d) A tribunal of Georgia may not require security, bond, or deposit, however described, to guarantee the payment of costs and expenses in proceedings under the convention.

19-11-184.

(a) A petitioner may file a direct request seeking establishment or modification of a support order or determination of parentage of a child. In the proceeding, the law of Georgia applies.

(b) A petitioner may file a direct request seeking recognition and enforcement of a support order or support agreement. In the proceeding, Code Sections 19-11-184.1 through 19-11-184.8 apply.

(c) In a direct request for recognition and enforcement of a convention support order or foreign support agreement:

(1) A security, bond, or deposit is not required to guarantee the payment of costs and expenses; and

(2) An obligee or obligor that in the issuing country has benefited from free legal assistance is entitled to benefit, at least to the same extent, from any free legal assistance provided for by the law of Georgia under the same circumstances.

(d) A petitioner filing a direct request is not entitled to assistance from the Department of Human Services.

(e) This part does not prevent the application of laws of Georgia that provide simplified, more expeditious rules regarding a direct request for recognition and enforcement of a foreign support order or foreign support agreement.

19-11-184.1.

(a) Except as otherwise provided in this part, a party who is an individual or a support enforcement agency seeking recognition of a convention support order shall register the order in this state as provided in Part 6 of this article.

(b) Notwithstanding Code Sections 19-11-130 and subsection (a) of Code Section 19-11-161, a request for registration of a convention support order must be accompanied by:

(1) A complete text of the support order or an abstract or extract of the support order drawn up by the issuing foreign tribunal, which may be in the form recommended by the Hague Conference on Private International Law;

(2) A record stating that the support order is enforceable in the issuing country;

(3) If the respondent did not appear and was not represented in the proceedings in the issuing country, a record attesting, as appropriate, either that the respondent had proper notice of the proceedings and an opportunity to be heard or that the respondent had proper notice of the support order and an opportunity to be heard in a challenge or appeal on fact or law before a tribunal;

(4) A record showing the amount of arrears, if any, and the date the amount was calculated;

(5) A record showing a requirement for automatic adjustment of the amount of support, if any, and the information necessary to make the appropriate calculations; and

(6) If necessary, a record showing the extent to which the applicant received free legal assistance in the issuing country.

(c) A request for registration of a convention support order may seek recognition and partial enforcement of the order.

(d) A tribunal of Georgia may vacate the registration of a convention support order without the filing of a contest under Code Section 19-11-184.2 only if, acting on its

own motion, the tribunal finds that recognition and enforcement of the order would be manifestly incompatible with public policy.

(e) The tribunal shall promptly notify the parties of the registration or the order vacating the registration of a convention support order.

19-11-184.2.

(a) Except as otherwise provided in this part, Code Sections 19-11-164 through 19-11-167 apply to a contest of a registered convention support order.

(b) A party contesting a registered convention support order shall file a contest not later than 30 days after notice of the registration, but if the contesting party does not reside in the United States, the contest must be filed not later than 60 days after notice of the registration.

(c) If the nonregistering party fails to contest the registered convention support order by the time specified in subsection (b) of this Code section, the order is enforceable.

(d) A contest of a registered convention support order may be based only on grounds set forth in Code Section 19-11-184.3. The contesting party bears the burden of proof.

(e) In a contest of a registered convention support order, a tribunal of Georgia:

(1) Is bound by the findings of fact on which the foreign tribunal based its jurisdiction; and

(2) May not review the merits of the order.

(f) A tribunal of Georgia deciding a contest of a registered convention support order shall promptly notify the parties of its decision.

(g) A challenge or appeal, if any, does not stay the enforcement of a convention support order unless there are exceptional circumstances.

19-11-184.3.

(a) Except as otherwise provided in subsection (b) of this Code section, a tribunal of Georgia shall recognize and enforce a registered convention support order.

(b) The following grounds are the only grounds on which a tribunal of Georgia may refuse recognition and enforcement of a registered convention support order:

(1) Recognition and enforcement of the order is manifestly incompatible with public policy, including the failure of the issuing tribunal to observe minimum standards of due process, which include notice and an opportunity to be heard;

(2) The issuing tribunal lacked personal jurisdiction consistent with Code Section 19-11-110;

(3) The order is not enforceable in the issuing country;

(4) The order was obtained by fraud in connection with a matter of procedure;

(5) A record transmitted in accordance with Code Section 19-11-184.1 lacks authenticity or integrity;

(6) A proceeding between the same parties and having the same purpose is pending before a tribunal of Georgia and that proceeding was the first to be filed;

- (7) The order is incompatible with a more recent support order involving the same parties and having the same purpose if the more recent support order is entitled to recognition and enforcement under this article in Georgia;
- (8) Payment, to the extent alleged arrears have been paid in whole or in part;
- (9) In a case in which the respondent neither appeared nor was represented in the proceeding in the issuing foreign country:
  - (A) If the law of that country provides for prior notice of proceedings, the respondent did not have proper notice of the proceedings and an opportunity to be heard; or
  - (B) If the law of that country does not provide for prior notice of the proceedings, the respondent did not have proper notice of the order and an opportunity to be heard in a challenge or appeal on fact or law before a tribunal; or
- (10) The order was made in violation of Code Section 19-11-184.6.
- (c) If a tribunal of Georgia does not recognize a convention support order under paragraph (2), (4), or (9) of subsection (b) of this Code section:
  - (1) The tribunal may not dismiss the proceeding without allowing a reasonable time for a party to request the establishment of a new convention support order; and
  - (2) The Department of Human Services shall take all appropriate measures to request a child support order for the obligee if the application for recognition and enforcement was received under Code Section 19-11-183.

#### 19-11-184.4.

If a tribunal of Georgia does not recognize and enforce a convention support order in its entirety, it shall enforce any severable part of the order. An application or direct request may seek recognition and partial enforcement of a convention support order.

#### 19-11-184.5.

- (a) Except as otherwise provided in subsections (c) and (d) of this Code section, a tribunal of Georgia shall recognize and enforce a foreign support agreement registered in this state.
- (b) An application or direct request for recognition and enforcement of a foreign support agreement must be accompanied by:
  - (1) A complete text of the foreign support agreement; and
  - (2) A record stating that the foreign support agreement is enforceable as an order of support in the issuing country.
- (c) A tribunal of Georgia may vacate the registration of a foreign support agreement only if, acting on its own motion, the tribunal finds that recognition and enforcement would be manifestly incompatible with public policy.
- (d) In a contest of a foreign support agreement, a tribunal of Georgia may refuse recognition and enforcement of the agreement if it finds:
  - (1) Recognition and enforcement of the agreement is manifestly incompatible with public policy;
  - (2) The agreement was obtained by fraud or falsification;

(3) The agreement is incompatible with a support order involving the same parties and having the same purpose in this state, another state, or a foreign country if the support order is entitled to recognition and enforcement under this article in Georgia;  
or

(4) The record submitted under subsection (b) of this Code section lacks authenticity or integrity.

(e) A proceeding for recognition and enforcement of a foreign support agreement must be suspended during the pendency of a challenge to or appeal of the agreement before a tribunal of another state or a foreign country.

19-11-184.6.

(a) A tribunal of Georgia may not modify a convention child support order if the obligee remains a resident of the foreign country where the support order was issued unless:

(1) The obligee submits to the jurisdiction of a tribunal of Georgia, either expressly or by defending on the merits of the case without objecting to the jurisdiction at the first available opportunity; or

(2) The foreign tribunal lacks or refuses to exercise jurisdiction to modify its support order or issue a new support order.

(b) If a tribunal of Georgia does not modify a convention child support order because the order is not recognized in this state, subsection (c) of Code Section 19-11-184.3 applies.

19-11-184.7.

Personal information gathered or transmitted under this part may be used only for the purposes for which it was gathered or transmitted.

19-11-184.8.

A record filed with a tribunal of Georgia under this part must be in the original language and, if not in English, must be accompanied by an English translation verified by the translator.

## Part 8

19-11-185.

(a) For purposes of this part, the term 'governor' includes an individual performing the functions of governor or the executive authority of a state covered by this article.

(b) The Governor of this state may:

(1) Demand that the governor of another state surrender an individual found in the other state who is charged criminally in this state with having failed to provide for the support of an obligee; or

(2) On the demand ~~by~~ of the governor of another state, surrender an individual found in this state who is charged criminally in the other state with having failed to provide for the support of an obligee.

(c) A provision for extradition of individuals not inconsistent with this article applies to the demand even if the individual whose surrender is demanded was not in the demanding state when the crime was allegedly committed and has not fled therefrom.

19-11-186.

(a) Before making a demand that the governor of another state surrender an individual charged criminally in this state with having failed to provide for the support of an obligee, the Governor of this state may require a prosecutor of this state to demonstrate that at least 90 days previously the obligee had initiated proceedings for support pursuant to this article or that the proceeding would be of no avail.

(b) If, under this article or a law substantially similar to this article, ~~the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act,~~ the governor of another state makes a demand that the Governor of this state surrender an individual charged criminally in that state with having failed to provide for the support of a child or other individual to whom a duty of support is owed, the Governor of this state may require a prosecutor to investigate the demand and report whether a proceeding for support has been initiated or would be effective. If it appears that a proceeding would be effective but has not been initiated, the Governor of this state may delay honoring the demand for a reasonable time to permit the initiation of a proceeding.

(c) If a proceeding for support has been initiated and the individual whose rendition is demanded prevails, the Governor of this state may decline to honor the demand. If the petitioner prevails and the individual whose rendition is demanded is subject to a support order, the Governor of this state may decline to honor the demand if the individual is complying with the support order.

## Part 9

19-11-190.

In applying and construing this article, consideration must be given to the need to promote uniformity of ~~This article shall be applied and construed to effectuate its general purpose to make uniform~~ the law with respect to ~~the~~ its subject ~~of the article matter~~ among states ~~enacting that enact~~ it.

19-11-190.1.

This article applies to proceedings begun on or after the effective date of this Code section to establish a support order or determine parentage of a child or to register, recognize, enforce, or modify a prior support order, determination, or agreement, whenever issued or entered.

19-11-191.

If any provision of this article or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this article which can be given effect without the invalid provision or application, and to this end the provisions of this article are severable."

## SECTION 2.

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

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	Y Coomer	Y Hamilton	Y McCall	Y Sims, C
Y Alexander	Y Cooper	Y Harbin	Y Meadows	Y Smith, E
Y Allison	Y Dawkins-Haigler	Y Harden	E Mitchell	Y Smith, L
Y Anderson	Y Deffenbaugh	Y Harrell	E Morgan	Y Smith, M
Y Atwood	Y Dempsey	Y Hatchett	Y Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	Y Mosby	Y Smyre
Barr	Y Dickey	Y Henson	Murphy	Y Spencer
Y Battles	Y Dickson	Y Hightower	Neal	Y Stephens, M
Y Beasley-Teague	Y Dollar	Y Hill	Y Nimmer	Y Stephens, R
Y Bell	Y Douglas	Y Hitchens	Y Nix	Y Stephenson
Y Bennett	Y Drenner	Y Holcomb	Y Oliver	Y Stovall
Y Bentley	Y Dudgeon	Y Holmes	Y O'Neal	Y Stover
Y Benton	Y Dukes	Y Holt	Y Pak	Y Strickland
Y Beverly	Y Dunahoo	Y Houston	Y Parrish	Y Talton
Y Black	Y Duncan	Y Howard	E Parsons	Y Tankersley
Y Braddock	Y Dutton	Y Hugley	Y Peake	Y Tanner
Y Broadrick	Ehrhart	Y Jackson	Y Pezold	Y Taylor, D
Y Brockway	Y England	Y Jacobs	Y Powell, A	Y Taylor, T
Y Brooks	Y Epps, C	Y Jasperse	E Powell, J	Y Teasley
Y Bruce	Y Epps, J	Y Jones, J	Y Pruett	Y Thomas, A.M.
E Bryant	E Evans	Y Jones, L	Y Quick	E Thomas, B
Y Buckner	Y Fleming	Y Jones, S	Y Ramsey	Y Turner
Y Burns	Y Floyd	Y Jordan	Y Randall	Y Waites
Y Caldwell, J	Y Fludd	Y Kaiser	Y Rice	Y Watson, B
Y Caldwell, M	Y Frazier	Y Kelley	Y Riley	Y Watson, S
Y Carson	Y Frye	Y Kendrick	Y Roberts	Y Welch
Y Carter	Y Fullerton	Y Kidd	Y Rogers, C	Y Weldon
E Casas	Y Gardner	Y Kirby	Y Rogers, T	Y Wilkerson
Y Chandler	Y Gasaway	Y Knight	Y Rutledge	Y Wilkinson
Y Channell	E Geisinger	Y Lindsey	Y Rynders	Y Willard
Y Chapman	Y Glanton	Y Lumsden	Y Scott	Y Williams, A
Y Cheokas	Y Golick	Y Mabra	Setzler	Y Williams, C
Y Clark, J	Y Gordon	Marin	Y Sharper	Y Williams, E
Y Clark, V	Y Gravley	Y Martin	Y Shaw	Y Williamson
Y Coleman	Y Greene	Y Maxwell	Y Sheldon	Y Yates
Y Cooke	Y Gregory	Y Mayo	Y Sims, B	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 164, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

Representative Cooper of the 43rd District, Chairman of the Committee on Health and Human Services, submitted the following report:

Mr. Speaker:

Your Committee on Health and Human Services has had under consideration the following Bill of the Senate and has instructed me to report the same back to the House with the following recommendation:

SB 65      Do Pass, by Substitute

Respectfully submitted,  
/s/ Cooper of the 43rd  
Chairman

Representative Dollar of the 45th District, Chairman of the Committee on Interstate Cooperation, submitted the following report:

Mr. Speaker:

Your Committee on Interstate Cooperation has had under consideration the following Bill of the Senate and has instructed me to report the same back to the House with the following recommendation:

SB 206      Do Pass

Respectfully submitted,  
/s/ Dollar of the 45th  
Chairman

Representative Smith of the 70th District, Chairman of the Committee on Natural Resources and Environment, submitted the following report:

Mr. Speaker:

Your Committee on Natural Resources and Environment has had under consideration the following Bills and Resolution of the Senate and has instructed me to report the same back to the House with the following recommendations:

SB 11	Do Pass, by Substitute	SB 156	Do Pass
SB 194	Do Pass	SR 267	Do Pass

Respectfully submitted,  
/s/ Smith of the 70th  
Chairman

Representative Battles of the 15th District, Chairman of the Committee on Retirement, submitted the following report:

Mr. Speaker:

Your Committee on Retirement has had under consideration the following Bills of the Senate and has instructed me to report the same back to the House with the following recommendations:

SB 142	Do Pass, by Substitute
SB 143	Do Pass
SB 178	Do Pass

Respectfully submitted,  
/s/ Battles of the 15th  
Chairman

The following Resolution of the House was read:

HR 738. By Representative O`Neal of the 146th

#### A RESOLUTION

Relative to adjournment; and for other purposes.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA that, unless otherwise provided by subsequent resolution of the General Assembly, the meeting dates and dates of adjournment for the 2013 regular session of the General Assembly for the period of Wednesday, March 20, 2013, through Thursday, March 28, 2013, shall be as follows:

Wednesday, March 20.....	in session for legislative day 35
Thursday, March 21 .....	in session for legislative day 36
Friday, March 22 .....	in session for legislative day 37
Saturday, March 23 through Sunday, March 24.....	in adjournment
Monday, March 25 .....	in session for legislative day 38
Tuesday, March 26.....	in session for legislative day 39

Wednesday, March 27 .....in adjournment  
 Thursday, March 28 .....in session for legislative day 40

BE IT FURTHER RESOLVED that, as authorized by Code Section 28-1-2, the hours for closing and convening the Senate on each day may be as ordered by the Senate; and the hours for closing and convening the House on each day may be as ordered by the House.

On the adoption of the Resolution, the roll call was ordered and the vote was as follows:

Y Abrams	Y Coomer	Y Hamilton	Y McCall	Y Sims, C
Y Alexander	Y Cooper	Y Harbin	Y Meadows	Y Smith, E
Y Allison	Y Dawkins-Haigler	Y Harden	E Mitchell	Y Smith, L
Y Anderson	Y Deffenbaugh	Y Harrell	E Morgan	Y Smith, M
Y Atwood	Y Dempsey	Y Hatchett	Y Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	Y Mosby	Y Smyre
Y Barr	Y Dickey	Y Henson	Y Murphy	Y Spencer
Y Battles	Y Dickson	Y Hightower	Y Neal	Stephens, M
N Beasley-Teague	Y Dollar	Y Hill	Y Nimmer	Y Stephens, R
Y Bell	Y Douglas	Y Hitchens	Y Nix	Y Stephenson
Y Bennett	Y Drenner	Y Holcomb	Y Oliver	Y Stovall
Y Bentley	Y Dudgeon	Y Holmes	Y O'Neal	Y Stover
Y Benton	Y Dukes	Y Holt	Y Pak	Y Strickland
Y Beverly	Y Dunahoo	Y Houston	Y Parrish	Y Talton
Y Black	Y Duncan	Y Howard	E Parsons	Y Tankersley
Y Braddock	Y Dutton	Hugley	Y Peake	Y Tanner
Y Broadrick	Y Ehrhart	Y Jackson	Y Pezold	Y Taylor, D
Y Brockway	Y England	Y Jacobs	Y Powell, A	Y Taylor, T
Y Brooks	Y Epps, C	Y Jasperse	E Powell, J	Teasley
Y Bruce	Y Epps, J	Y Jones, J	Y Pruet	Y Thomas, A.M.
E Bryant	E Evans	Y Jones, L	Y Quick	E Thomas, B
Y Buckner	Y Fleming	Y Jones, S	Y Ramsey	Y Turner
Y Burns	Y Floyd	Y Jordan	Y Randall	Y Waites
Y Caldwell, J	Y Fludd	Y Kaiser	Y Rice	Y Watson, B
Y Caldwell, M	Y Frazier	Y Kelley	Y Riley	Y Watson, S
Carson	Y Frye	Y Kendrick	Y Roberts	Y Welch
Y Carter	Y Fullerton	Y Kidd	Y Rogers, C	Y Weldon
E Casas	Y Gardner	Y Kirby	Y Rogers, T	Y Wilkerson
Y Chandler	Y Gasaway	Y Knight	Y Rutledge	Y Wilkinson
Y Channell	E Geisinger	Y Lindsey	Y Rynders	Y Willard
Y Chapman	Y Glanton	Y Lumsden	Y Scott	Y Williams, A
Y Cheokas	Y Golick	Y Mabra	Setzler	Y Williams, C
Y Clark, J	Y Gordon	Marin	Y Sharper	Y Williams, E
Y Clark, V	Y Gravley	Martin	Y Shaw	Y Williamson
Y Coleman	Y Greene	Y Maxwell	Y Sheldon	Y Yates
Y Cooke	Y Gregory	Y Mayo	Y Sims, B	Ralston, Speaker

On the adoption of the Resolution, the ayes were 162, nays 1.

The Resolution was adopted.

The Speaker ordered HR 738 immediately transmitted to the Senate.

Under the general order of business, established by the Committee on Rules, the following Bills and Resolutions of the House and Senate were taken up for consideration and read the third time:

HR 532. By Representatives Powell of the 32nd, McCall of the 33rd, Gasaway of the 28th, Fleming of the 121st, Harbin of the 122nd and others:

A RESOLUTION requesting that the United States Army Corps of Engineers (USACE) utilize adaptive management techniques to control lake levels and river flows within the Savannah River Basin; and for other purposes.

The report of the Committee, which was favorable to the adoption of the Resolution, was agreed to.

On the adoption of the Resolution, the roll call was ordered and the vote was as follows:

Y Abrams	Y Coomer	Y Hamilton	Y McCall	Y Sims, C
Y Alexander	Y Cooper	Y Harbin	Y Meadows	Y Smith, E
Y Allison	Y Dawkins-Haigler	Y Harden	E Mitchell	Y Smith, L
Y Anderson	Y Deffenbaugh	Y Harrell	E Morgan	Y Smith, M
Y Atwood	Y Dempsey	Y Hatchett	Y Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	Y Mosby	Y Smyre
Y Barr	Y Dickey	Y Henson	Y Murphy	Y Spencer
Y Battles	Y Dickson	Y Hightower	Y Neal	Y Stephens, M
N Beasley-Teague	Y Dollar	Y Hill	Y Nimmer	Y Stephens, R
Y Bell	Y Douglas	Y Hitchens	Y Nix	Y Stephenson
Y Bennett	Y Drenner	Y Holcomb	Y Oliver	Stovall
Y Bentley	Y Dudgeon	Y Holmes	O'Neal	Y Stover
Y Benton	Y Dukes	Y Holt	Y Pak	Y Strickland
Y Beverly	Y Dunahoo	Y Houston	Y Parrish	Y Talton
Y Black	Y Duncan	Y Howard	E Parsons	Y Tankersley
Y Braddock	Y Dutton	Y Hugley	Y Peake	Y Tanner
Y Broadrick	Y Ehrhart	Y Jackson	Y Pezold	Y Taylor, D
Y Brockway	Y England	Y Jacobs	Y Powell, A	Y Taylor, T
Y Brooks	Y Epps, C	Y Jasperse	E Powell, J	Y Teasley
Y Bruce	Y Epps, J	Y Jones, J	Y Pruett	Y Thomas, A.M.
E Bryant	E Evans	Y Jones, L	Y Quick	E Thomas, B
Y Buckner	Y Fleming	Y Jones, S	Y Ramsey	Y Turner
Y Burns	Y Floyd	Y Jordan	Randall	Y Waites
Y Caldwell, J	Y Fludd	Y Kaiser	Y Rice	Y Watson, B
Y Caldwell, M	Y Frazier	Y Kelley	Y Riley	Y Watson, S
Y Carson	Y Frye	Y Kendrick	Y Roberts	Y Welch
Y Carter	Y Fullerton	Y Kidd	Y Rogers, C	Weldon
E Casas	Y Gardner	Y Kirby	Y Rogers, T	Y Wilkerson
Y Chandler	Y Gasaway	Y Knight	Y Rutledge	Y Wilkinson
Y Channell	E Geisinger	Y Lindsey	Y Rynders	Y Willard
Y Chapman	Y Glanton	Y Lumsden	Y Scott	Y Williams, A

Y Cheokas	Y Golick	Y Mabra	Setzler	Y Williams, C
Y Clark, J	Y Gordon	Marin	Y Sharper	Y Williams, E
Y Clark, V	Y Gravley	Martin	Shaw	Y Williamson
Y Coleman	Y Greene	Y Maxwell	Y Sheldon	Y Yates
Y Cooke	Gregory	Y Mayo	Y Sims, B	Ralston, Speaker

On the adoption of the Resolution, the ayes were 160, nays 1.

The Resolution, having received the requisite constitutional majority, was adopted.

HR 218. By Representatives Sims of the 123rd, Benton of the 31st and Coleman of the 97th:

A RESOLUTION requesting that all local school superintendents recognize that learning the United States Constitution is a vital facet of primary education; and for other purposes.

The report of the Committee, which was favorable to the adoption of the Resolution, was agreed to.

On the adoption of the Resolution, the roll call was ordered and the vote was as follows:

Y Abrams	Y Coomer	Y Hamilton	Y McCall	Y Sims, C
Y Alexander	Y Cooper	Y Harbin	Y Meadows	Y Smith, E
Y Allison	Y Dawkins-Haigler	Y Harden	E Mitchell	Y Smith, L
Y Anderson	Y Deffenbaugh	Harrell	E Morgan	Y Smith, M
Y Atwood	Y Dempsey	Y Hatchett	Y Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	Y Mosby	Y Smyre
Y Barr	Y Dickey	Y Henson	Y Murphy	Y Spencer
Y Battles	Y Dickson	Y Hightower	Y Neal	Y Stephens, M
N Beasley-Teague	Y Dollar	Y Hill	Y Nimmer	Y Stephens, R
Y Bell	Y Douglas	Y Hitchens	Y Nix	Y Stephenson
Y Bennett	Y Drenner	Y Holcomb	Y Oliver	Stovall
Y Bentley	Y Dudgeon	Y Holmes	O'Neal	Y Stover
Y Benton	Y Dukes	Y Holt	Y Pak	Y Strickland
Y Beverly	Y Dunahoo	Y Houston	Y Parrish	Y Talton
Y Black	Y Duncan	Y Howard	E Parsons	Y Tankersley
Y Braddock	Y Dutton	Y Hugley	Y Peake	Y Tanner
Y Broadrick	Y Ehrhart	Y Jackson	Y Pezold	Y Taylor, D
Y Brockway	Y England	Y Jacobs	Y Powell, A	Y Taylor, T
Y Brooks	Y Epps, C	Y Jasperse	E Powell, J	Y Teasley
Y Bruce	Y Epps, J	Y Jones, J	Y Pruett	Y Thomas, A.M.
E Bryant	E Evans	Y Jones, L	Y Quick	E Thomas, B
Y Buckner	Y Fleming	Y Jones, S	Y Ramsey	Y Turner
Y Burns	Y Floyd	Y Jordan	Y Randall	Y Waites
Y Caldwell, J	Fludd	Y Kaiser	Rice	Y Watson, B
Y Caldwell, M	Y Frazier	Y Kelley	Y Riley	Y Watson, S
Y Carson	Y Frye	Y Kendrick	Y Roberts	Y Welch
Y Carter	Y Fullerton	Y Kidd	Y Rogers, C	Y Weldon

E Casas	Y Gardner	Y Kirby	Y Rogers, T	Y Wilkerson
Y Chandler	Y Gasaway	Y Knight	Y Rutledge	Y Wilkinson
Y Channell	E Geisinger	Y Lindsey	Y Rynders	Willard
Chapman	Y Glanton	Y Lumsden	Y Scott	Y Williams, A
Y Cheokas	Y Golick	Y Mabra	Y Setzler	Y Williams, C
Y Clark, J	Y Gordon	Marin	Y Sharper	Y Williams, E
Y Clark, V	Y Gravley	Y Martin	Y Shaw	Y Williamson
Y Coleman	Y Greene	Y Maxwell	Y Sheldon	Y Yates
Y Cooke	Gregory	Y Mayo	Y Sims, B	Ralston, Speaker

On the adoption of the Resolution, the ayes were 160, nays 1.

The Resolution, having received the requisite constitutional majority, was adopted.

SB 66. By Senators Stone of the 23rd, McKoon of the 29th, Crosby of the 13th, Jackson of the 24th, Ligon, Jr. of the 3rd and others:

A BILL to be entitled an Act to amend Title 15 of the Official Code of Georgia Annotated, relating to courts, so as to increase penalties that can be imposed for contempt of superior and state courts; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED  
AN ACT

To amend Title 15 of the Official Code of Georgia Annotated, relating to courts, so as to increase penalties that can be imposed for contempt of superior and state courts; to change provisions relating to filing an answer or counterclaim in magistrate court; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising paragraph (5) of Code Section 15-6-8, relating to jurisdiction and powers of the superior courts, as follows:

"(5) To punish contempt by fines not exceeding ~~\$500.00~~ \$1,000.00, ~~and~~ by imprisonment not exceeding 20 days, or both; and"

**SECTION 2.**

Said title is further amended by revising paragraph (5) of subsection (a) of Code Section 15-7-4, relating to jurisdiction for state courts, as follows:

"(5) The punishment of ~~contempts~~ contempt by ~~fine~~ finer ~~not exceeding \$500.00 or \$1,000.00,~~ by imprisonment not exceeding 20 days, or both; and"

### SECTION 3.

Said title is further amended by revising subsection (c) of Code Section 15-10-43, relating to statement of claim, service of process, answer to claim, default judgments, opening of default, and relief in magistrate court, as follows:

"(c) An answer to the claim ~~must~~ shall be filed with the court or orally presented to the judge or clerk of the court within 30 days after service of the statement of claim on the defendant to avoid a default. The answer shall be in concise form and free from technical requirements, but ~~must~~ shall admit or deny the claim of the plaintiff. The answer shall contain the address at which the defendant desires to receive the notice of hearing. If the answer is presented to the judge or clerk orally, the judge or clerk shall reduce the answer to writing. Verification of an answer shall not be required. A copy of the answer shall be forwarded to the plaintiff and defendant with the notice of hearing. If an answer is timely filed or presented, the court shall within ten days of filing or presentation of the answer notify the defendant and the plaintiff of the calling of a hearing on the claim. The notice shall include the date, hour, and location of the hearing, which date shall be not less than 15 nor more than 30 days after the date the notice is given. The notice shall be served on the plaintiff and the defendant by mail or personal service to the address given by the plaintiff at the time he or she files his or her claim and the address given by the defendant at the time he or she files or presents his or her answer. The date of mailing shall be the date the notice is given. The clerk shall enter a certificate of service."

### SECTION 4.

Said title is further amended by revising subsections (a) through (c) of Code Section 15-10-45, relating to compulsory and permissive counterclaims, as follows:

"(a) If any defendant has a ~~claim~~ counterclaim against the plaintiff arising out of the transaction or occurrence that is the subject matter of the plaintiff's claim, which ~~claim~~ counterclaim does not require for its adjudication the presence of third parties over whom the court cannot obtain jurisdiction, such ~~claim~~ counterclaim ~~shall~~ be asserted by the defendant at or before the hearing on the plaintiff's claim or thereafter be barred.

(b) If any defendant has a ~~claim~~ counterclaim against the plaintiff other than a compulsory counterclaim described in subsection (a) of this Code section, such ~~claim~~ counterclaim may be asserted by the defendant at or before the hearing on the plaintiff's claim.

(c) If any defendant asserts a ~~claim~~ counterclaim against the plaintiff, the defendant shall file with the court a statement of the ~~claim~~ counterclaim in concise form and free from technicalities. The defendant's ~~claim~~ counterclaim shall give the plaintiff reasonable notice of the basis for each claim contained in the ~~statement of claim~~ counterclaim. The defendant shall sign ~~and verify the statement of claim by oath or~~

~~affirmation~~ the counterclaim. At the request of a defendant, the judge or clerk may prepare the ~~statement~~ counterclaim. Verification of a counterclaim shall not be required."

### SECTION 5.

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

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	Y Coomer	Y Hamilton	Y McCall	N Sims, C
N Alexander	Y Cooper	Y Harbin	Y Meadows	N Smith, E
N Allison	N Dawkins-Haigler	Y Harden	E Mitchell	N Smith, L
N Anderson	Y Deffenbaugh	Harrell	E Morgan	N Smith, M
Y Atwood	Y Dempsey	Y Hatchett	Y Morris	Y Smith, R
Y Ballinger	N Dickerson	N Hawkins	N Mosby	Y Smyre
N Barr	Y Dickey	N Henson	Y Murphy	N Spencer
Y Battles	Y Dickson	Hightower	Y Neal	Y Stephens, M
N Beasley-Teague	N Dollar	Y Hill	Y Nimmer	Y Stephens, R
N Bell	Y Douglas	Y Hitchens	N Nix	N Stephenson
N Bennett	Y Drenner	Y Holcomb	Y Oliver	Stovall
Y Bentley	Y Dudgeon	Y Holmes	Y O'Neal	N Stover
Y Benton	N Dukes	N Holt	Y Pak	Y Strickland
Y Beverly	N Dunahoo	Y Houston	Y Parrish	Y Talton
Y Black	Y Duncan	Y Howard	E Parsons	Y Tankersley
N Braddock	Y Dutton	Y Hugley	Y Peake	Y Tanner
Y Broadrick	N Ehrhart	Y Jackson	N Pezold	N Taylor, D
N Brockway	Y England	Y Jacobs	Y Powell, A	Y Taylor, T
Y Brooks	Y Epps, C	Y Jasperse	E Powell, J	N Teasley
Y Bruce	Y Epps, J	Y Jones, J	Y Pruett	N Thomas, A.M.
E Bryant	E Evans	Y Jones, L	N Quick	E Thomas, B
Y Buckner	Y Fleming	N Jones, S	Y Ramsey	N Turner
Y Burns	Y Floyd	N Jordan	N Randall	N Waites
Y Caldwell, J	N Fludd	Kaiser	Y Rice	Y Watson, B
N Caldwell, M	Y Frazier	Y Kelley	Y Riley	Y Watson, S
Y Carson	N Frye	N Kendrick	Y Roberts	Y Welch
Y Carter	Y Fullerton	Y Kidd	N Rogers, C	Y Weldon
E Casas	Y Gardner	Y Kirby	N Rogers, T	Y Wilkerson
Y Chandler	Y Gasaway	Y Knight	Y Rutledge	Y Wilkinson
Y Channell	E Geisinger	Y Lindsey	Y Rynders	Y Willard
Y Chapman	Y Glanton	Y Lumsden	N Scott	Y Williams, A
Y Cheokas	Y Golick	Y Mabra	N Setzler	Y Williams, C
N Clark, J	Y Gordon	N Marin	Y Sharper	N Williams, E
Y Clark, V	Y Gravley	N Martin	Y Shaw	Y Williamson
Y Coleman	Y Greene	Y Maxwell	Y Sheldon	Y Yates
Y Cooke	Gregory	Y Mayo	Y Sims, B	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 116, nays 49.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

HR 410. By Representatives Glanton of the 75th, Roberts of the 155th, Williams of the 168th, Clark of the 101st, Dawkins-Haigler of the 91st and others:

A RESOLUTION requesting that the International Olympic Committee keep wrestling in the Olympic Games after the 2016 Olympics in Rio de Janeiro, Brazil; and for other purposes.

The report of the Committee, which was favorable to the adoption of the Resolution, was agreed to.

On the adoption of the Resolution, the roll call was ordered and the vote was as follows:

Abrams	Y Coomer	Y Hamilton	Y McCall	Y Sims, C
Alexander	Y Cooper	Y Harbin	Y Meadows	N Smith, E
Y Allison	Y Dawkins-Haigler	Y Harden	E Mitchell	Y Smith, L
Anderson	Y Deffenbaugh	Y Harrell	E Morgan	Smith, M
Y Atwood	Y Dempsey	Y Hatchett	Y Morris	Y Smith, R
Y Ballinger	Dickerson	Y Hawkins	N Mosby	Y Smyre
Y Barr	Y Dickey	Y Henson	N Murphy	Y Spencer
Y Battles	Y Dickson	Y Hightower	Y Neal	N Stephens, M
N Beasley-Teague	Y Dollar	Y Hill	Y Nimmer	Y Stephens, R
Bell	Y Douglas	Y Hitchens	Y Nix	N Stephenson
N Bennett	Y Drenner	Y Holcomb	N Oliver	Stovall
Bentley	Y Dudgeon	Y Holmes	Y O'Neal	N Stover
Y Benton	Dukes	Y Holt	Y Pak	Y Strickland
Beverly	Y Dunahoo	Y Houston	Y Parrish	Y Talton
Y Black	Y Duncan	N Howard	E Parsons	Y Tankersley
Y Braddock	Y Dutton	Hugley	Y Peake	Y Tanner
Y Broadrick	Y Ehrhart	Y Jackson	Y Pezold	Y Taylor, D
Y Brockway	Y England	Y Jacobs	Y Powell, A	Y Taylor, T
Y Brooks	Y Epps, C	Y Jasperse	E Powell, J	Y Teasley
N Bruce	Y Epps, J	Y Jones, J	Y Pruett	N Thomas, A.M.
E Bryant	E Evans	N Jones, L	Y Quick	E Thomas, B
Y Buckner	Y Fleming	Y Jones, S	Y Ramsey	Y Turner
Y Burns	Y Floyd	Y Jordan	Randall	Waites
Y Caldwell, J	Fludd	Y Kaiser	Y Rice	Y Watson, B
Y Caldwell, M	N Frazier	Y Kelley	Y Riley	Y Watson, S
Y Carson	Frye	Y Kendrick	Y Roberts	Y Welch
Y Carter	Fullerton	Y Kidd	Y Rogers, C	Y Weldon
E Casas	Gardner	Y Kirby	Y Rogers, T	Wilkerson
Y Chandler	Y Gasaway	Y Knight	Y Rutledge	Y Wilkinson
Y Channell	E Geisinger	Y Lindsey	Y Rynders	Y Willard
Y Chapman	Y Glanton	Y Lumsden	Y Scott	Y Williams, A
Y Cheokas	Y Golick	Y Mabra	Y Setzler	Y Williams, C
Y Clark, J	Y Gordon	Y Marin	Sharper	N Williams, E
Y Clark, V	Y Gravley	Y Martin	Y Shaw	Y Williamson
Y Coleman	Y Greene	Y Maxwell	Y Sheldon	Y Yates
Y Cooke	E Gregory	Y Mayo	Y Sims, B	Ralston, Speaker

On the adoption of the Resolution, the ayes were 135, nays 15.

The Resolution, having received the requisite constitutional majority, was adopted.

SB 61. By Senator Stone of the 23rd:

A BILL to be entitled an Act to amend Article 5 of Chapter 4 of Title 10 of the Official Code of Georgia Annotated, relating to self-service storage facilities, so as to change the short title; to provide for definitions; to change the due date for monthly rental payments; to provide procedures for sending notice of default; to provide for print or electronic publication of notice of public sale of property; to provide for limitations on an owner's liability; to provide for towing of motor vehicles and watercraft; to provide for delay in filing an owner's lien if an occupant is deployed overseas by the armed services; to exempt certain rental agreements; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

A BILL TO BE ENTITLED  
AN ACT

To amend Article 5 of Chapter 4 of Title 10 of the Official Code of Georgia Annotated, relating to self-service storage facilities, so as to change the short title; to provide for definitions; to change the due date for monthly rental payments; to provide procedures for sending notice of default; to provide for publication of notice of public sale of property; to provide for limitations on an owner's liability; to provide for towing of motor vehicles, trailers, and watercraft; to exempt certain rental agreements; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Article 5 of Chapter 4 of Title 10 of the Official Code of Georgia Annotated, relating to self-service storage facilities, is revised as follows:

"ARTICLE 5

10-4-210.

This article shall be known and may be cited as the 'Georgia Self-service Storage Facility Act of 2013.'

10-4-211.

For purposes of this article, the term:

(1) 'E-mail' means an electronic message or an executable program or computer file that contains an image of a message that is transmitted between two or more computers or electronic terminals. The term includes electronic messages that are transmitted within or between computer networks.

~~(1)~~(2) 'Last known address' means ~~that~~ the street address, post office box address, or e-mail address provided by the occupant in the latest rental agreement or the address provided by the occupant in a subsequent written notice of a change of address by hand delivery, verified mail, or e-mail.

~~(2)~~(3) 'Occupant' means a person, his or her sublessee, successor, or assign entitled to the use of the storage space at a self-service storage facility under a rental agreement, to the exclusion of others.

~~(3)~~(4) 'Owner' means the owner, operator, lessor, or sublessor of a self-service storage facility, his or her agent, or any other person authorized ~~by him~~ to manage the facility or to receive rent from an occupant under a rental agreement.

~~(4)~~(5) 'Personal property' means movable property not affixed to land and includes, but is not limited to, goods, wares, merchandise, motor vehicles, trailers, watercraft, and household items and furnishings.

~~(5)~~(6) 'Rental agreement' means any agreement or lease, written or oral, that establishes or modifies the terms, conditions, rules, or any other provisions concerning the use and occupancy of a self-service storage facility.

~~(6)~~(7) 'Self-service storage facility' means any real property designed and used for the purpose of renting or leasing individual storage space to occupants who are to have access to such for the purpose of storing and removing personal property. No occupant shall use a self-service storage facility for residential purposes. A self-service storage facility is not a warehouse within the meaning of Article 1 of this chapter, known as the 'Georgia State Warehouse Act,' and the provisions of law relative to bonded public warehousemen shall not apply to the owner of a self-service storage facility. A self-service storage facility is not a safe-deposit box or vault maintained by banks, trust companies, or other financial entities.

(8) 'Verified mail' means certified mail or statutory overnight delivery, return receipt requested.

10-4-212.

The owner of a self-service storage facility and his or her heirs, executors, administrators, successors, and assigns have a lien upon all personal property located at a self-service storage facility for rent, labor, or other charges, present or future, in relation to the personal property and for expenses necessary for its preservation or expenses reasonably incurred in its sale or other disposition pursuant to this article. The lien provided for in this Code section is superior to any other lien or security interest except those which are perfected and recorded prior to the date of the rental agreement in Georgia in the name of the occupant, either in the county of the occupant's

last known address or in the county where the self-service storage facility is located, except any tax lien as otherwise provided by law and except any lienholder with an interest in the property of whom the owner has knowledge either through the disclosure provision of the rental agreement or through other written notice. The lien attaches as of the date the personal property is brought to the self-service storage facility.

10-4-213.

Provided that it complies with the requirements of this Code section, an owner may enforce the lien without judicial intervention. The owner ~~Owner~~ shall obtain from the occupant a written rental agreement which includes the following language:

This agreement, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by and between \_\_\_\_\_, hereinafter called Owner, and \_\_\_\_\_, hereinafter called Occupant, whose last known address is \_\_\_\_\_. For the consideration hereinafter stated, ~~the~~ Owner agrees to let ~~the~~ Occupant use and occupy a space in the self-service storage facility, known as \_\_\_\_\_, situated in the City of \_\_\_\_\_, County of \_\_\_\_\_, State of Georgia, and more particularly described as follows: Building #\_\_\_\_\_, Space #\_\_\_\_\_, Size \_\_\_\_\_. Said space is to be occupied and used for the purposes specified herein and subject to the conditions set forth for a period of \_\_\_\_\_, beginning on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and continuing month to month until terminated.

'Space,' as used in this agreement, will be that part of the self-service storage facility as described above. ~~The~~ Occupant agrees to pay ~~the~~ Owner, as payment for the use of the space and improvements thereon, the monthly sum of \$\_\_\_\_\_. Monthly installments are payable in advance on or before the first of each month, in the amount of \$\_\_\_\_\_, and a like amount for each month thereafter, until the termination of this agreement.

If any monthly installment is not paid by the ~~tenth~~ seventh calendar day of the month due, or if any check given in payment is dishonored by the financial institution on which it is drawn, Occupant shall be deemed to be in default.

Occupant further agrees to pay the sum of one month's fees, which shall be used as a clean-up and maintenance fund, and is to be used, if required, for the repair of any damage done to the space and to clean up the space at the termination of the agreement. In the event that the space is left in a good state of repair, and in a broom-swept condition, then this amount shall be refunded to ~~the~~ Occupant. However, it is agreed to between the parties that ~~the~~ Owner may set off any claims it may have against ~~the~~ Occupant from this fund.

The space named herein is to be used by ~~the~~ Occupant solely for the purpose of storing any personal property belonging to ~~the~~ Occupant. ~~The~~ Occupant agrees not to store any explosives or any highly inflammable goods or any other goods in the space which would cause danger to the space. ~~The~~ Occupant agrees that the property will not be used for any unlawful purposes and ~~the~~ Occupant agrees not to commit waste, nor alter, nor affix signs on the space, and to keep the space in good condition during the term of this agreement.

OWNER HAS A LIEN ON ALL PERSONAL PROPERTY STORED IN OCCUPANT'S SPACE FOR RENT, LABOR, OR OTHER CHARGES, PRESENT OR FUTURE, IN RELATION TO THE PERSONAL PROPERTY, AND FOR ITS PRESERVATION OR EXPENSES REASONABLY INCURRED IN ITS SALE OR OTHER DISPOSITION PURSUANT TO THIS AGREEMENT. PERSONAL PROPERTY STORED IN OCCUPANT'S SPACE WILL BE SOLD OR OTHERWISE DISPOSED OF IF NO PAYMENT HAS BEEN RECEIVED FOR A CONTINUOUS THIRTY-DAY PERIOD AFTER DEFAULT. IN ADDITION, UPON OCCUPANT'S DEFAULT, OWNER MAY WITHOUT NOTICE DENY OCCUPANT ACCESS TO THE PERSONAL PROPERTY STORED IN OCCUPANT'S SPACE UNTIL SUCH TIME AS PAYMENT IS RECEIVED. IF ANY MONTHLY INSTALLMENT IS NOT MADE BY THE ~~TENTH~~ SEVENTH CALENDAR DAY OF THE MONTH DUE, OR IF ANY CHECK GIVEN IN PAYMENT IS DISHONORED BY THE FINANCIAL INSTITUTION ON WHICH IT IS DRAWN, ~~THE~~ OCCUPANT IS IN DEFAULT FROM DATE PAYMENT WAS DUE.

I hereby agree that all notices other than bills and invoices shall be given by hand delivery, verified mail, or e-mail at the following addresses:

\_\_\_\_\_ (hand delivery)  
 \_\_\_\_\_ (verified mail)  
 \_\_\_\_\_ (e-mail).

For purposes of Owner's lien: 'personal property' means movable property, not affixed to land, and includes, but is not limited to, goods, wares, merchandise, motor vehicles, trailers, watercraft, household items, and furnishings; 'last known address' means ~~that the street address or post office box address provided by the occupant~~ Occupant in the latest rental agreement or the address provided by ~~the occupant~~ Occupant in a subsequent written notice of a change of address by hand delivery, verified mail, or e-mail.

~~The~~ Owner's lien is superior to any other lien or security interest, except those which are evidenced by a certificate of title or perfected and recorded prior to the date of this rental agreement in Georgia, in the name of ~~the~~ Occupant, either in the county of ~~the~~ Occupant's 'last known address' or in the county where the self-service storage facility is located, except any tax lien as provided by law and except those liens or security interests of whom ~~the~~ Owner has knowledge through ~~the~~ Occupant's disclosure in this rental agreement or through other written notice. Occupant attests that the personal property in his Occupant's space(s) is free and clear of all liens and secured interests except for \_\_\_\_\_. ~~The~~ Owner's lien attaches as of the date the personal property is brought to the self-service storage facility.

Except as otherwise specifically provided in this rental agreement, the exclusive care, custody, and control of any and all personal property stored in the leased space shall remain vested in ~~the~~ Occupant. ~~The~~ Owner does not become a bailee of ~~the~~ Occupant's personal property by the enforcement of ~~the~~ Owner's lien.

If Occupant has been in default continuously for thirty (30) days, Owner may enforce its lien, provided Owner shall comply with the following procedure:

~~The Occupant shall be notified in writing by delivery in person or by certified mail or statutory overnight delivery to the last known address of Occupant of Owner's intent to enforce Owner's lien by written notice delivered in person, by verified mail, or by e-mail. The Owner also shall notify other parties with superior liens or security interests as defined in this rental agreement. A Such notice given pursuant to this rental agreement shall be presumed delivered as of the date indicated on the proof of delivery or, if there is no proof of delivery, on the fourteenth day after sending as shown by sent when it is deposited with the United States Postal Service or the statutory overnight delivery service properly addressed with postage or delivery fees prepaid or sent by e-mail. If Owner sends notice of a pending sale of property to Occupant's last known e-mail address and does not receive a nonautomated response or a receipt of delivery to the e-mail address, Owner shall send notice of the sale to Occupant by verified mail to Occupant's last known address before proceeding with the sale.~~

Owner's notice to Occupant shall include an itemized statement of the Owner's claim showing the sum due, at the time of the notice, and the date when the sum became due. ~~It shall briefly and generally describe the personal property subject to the lien. The description shall be reasonably adequate to permit the person(s) notified to identify it, except that any container included, but not limited to, a trunk, valise, or box that is locked, fastened, sealed, or tied in a manner which deters immediate access to its contents may be described as such without describing its contents.~~ Owner's notice shall notify Occupant of denial of access to the personal property and provide the name, street address, e-mail address, and telephone number of the Owner or its designated agent, whom the Occupant may contact to respond to this notice. Owner's notice shall demand payment within a specified time, not less than fourteen (14) days after delivery of the notice. It shall state that, unless the claim is paid, within the time stated in the notice, the personal property will be advertised for public sale to the highest bidder, and will be sold at a public sale to the highest bidder, at a specified time and place.

After the expiration of the time given in Owner's notice, Owner shall publish an advertisement of the public sale to the highest bidder, once a week, for two consecutive weeks, in ~~a newspaper of general circulation where the self service storage facility is located~~ the legal organ for the county where the self-service storage facility is located. The sale shall be deemed commercially reasonable if at least three (3) independent bidders attend the sale at the time and place advertised. 'Independent bidder' means a bidder who is not related to and who has no controlling interest in, or common pecuniary interest with, Owner or any other bidder. The advertisement shall include: a brief and general description of the personal property, reasonably adequate to permit its identification; the address of the self-service storage facility, and the number, if any, of the space where the personal property is located, and the name of the Occupant; and the time, place, and manner of the public sale. The public sale to

the highest bidder shall take place not sooner than fifteen (15) days after the first publication. ~~If there is no newspaper of general circulation where the self-service storage facility is located, the advertisement shall be posted at least ten (10) days before the date of the public sale and in not less than six (6) conspicuous places in the neighborhood where the self-service storage facility is located.~~ Regardless of whether a sale involves the property of more than one Occupant, a single advertisement may be used to advertise the disposal of property at the sale. A public sale includes offering the property on a publicly accessible website that regularly conducts online auctions of personal property. Such sale shall be considered incidental to the self-storage business and no license shall be required.

If no one purchases the property at the public sale and if ~~the~~ Owner has complied with the foregoing procedures, ~~the~~ Owner may otherwise dispose of the property and shall notify ~~the~~ Occupant of the action taken. Any sale or disposition of the personal property shall be held at the self-service storage facility or at the nearest suitable place to where the personal property is held or stored.

Before any sale or other disposition of personal property pursuant to this agreement, ~~the~~ Occupant may pay the amount necessary to satisfy the lien and the reasonable expenses incurred and thereby redeem the personal property and thereafter ~~the~~ Owner shall have no liability to any person with respect to such personal property.

A Purchaser in good faith of the personal property sold to satisfy Owner's lien takes the property free of any rights of persons against whom the lien was valid, despite noncompliance by ~~the~~ Owner with the requirements of this agreement.

In the event of a sale, ~~the~~ Owner may satisfy his or her lien from the proceeds of the sale. ~~The~~ Owner shall hold the balance of the proceeds, if any, for ~~the~~ Occupant or any notified secured interest holder. If not claimed within two years of the date of sale, the balance of the proceeds shall be disposed of in accordance with Article 5 of Chapter 12 of Title 44, the 'Disposition of Unclaimed Property Act.' In no event shall ~~the~~ Owner's liability exceed the proceeds of the sale.

If the rental agreement contains a limit on the value of property stored in Occupant's storage space, the limit shall be deemed to be the maximum value of the property stored in that space.

If the property upon which the lien is claimed is a motor vehicle, trailer, or watercraft and rent and other charges related to the property remain unpaid or unsatisfied for 60 days following the maturity of the obligation to pay rent, Owner may have the property towed in lieu of foreclosing on the lien. If a motor vehicle, trailer, or watercraft is towed as authorized in this section, Owner shall not be liable for the motor vehicle, trailer, or watercraft or any damages to the motor vehicle, trailer, or watercraft once the tower takes possession of the property.

10-4-214.

Nothing in this article shall be construed as in any manner impairing or affecting the right of the parties to create additional rights, duties, and obligations in and by virtue of

the rental agreement. The rights provided by this article shall be in addition to all other rights allowed by law to a creditor against his or her debtor.

10-4-215.

All rental agreements entered into before July 1, ~~1982~~ 2013, and not extended or renewed after that date, and the rights and duties and interests flowing from them shall remain valid and may be enforced or terminated in accordance with their terms or as permitted by any other statute or law of this state."

### **SECTION 2.**

This Act shall become effective on July 1, 2013.

### **SECTION 3.**

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

Pursuant to Rule 133, Representative Cheokas of the 138th was excused from voting on SB 61.

The following amendments were read and adopted:

Representatives Holcomb of the 81st, Williams of the 168th, and Lindsey of the 54th move to amend the Committee substitute to SB 61 as follows:

On line 217, insert

If the rental agreement is with a service member, the owner shall comply with all terms of the Servicemembers Civil Relief Act, 50 U.S.C. § 501 et seq.

Representatives Williams of the 168th and Lindsey of the 54th move to amend the Committee substitute to SB 61 as follows:

Insert at line 118 the following:

"and I further understand that I may designate to owner an agent to receive such notice by providing:

\_\_\_\_\_ (hand delivery)  
 \_\_\_\_\_ (verified mail)  
 \_\_\_\_\_ (e mail)

Insert at line 153 after "address" the following: "or to the last known address of the designated agent of the occupant."

Representative Jacobs of the 80th moves to amend the Committee substitute to SB 61 as follows:

On line 47, delete the word "or" and replace it with:

", registered mail,"

On lines 47 and 48, delete the words "return receipt requested." and replace them with:

"or other method of mailing or delivery in which the post office or delivery service furnishes proof that the parcel was sent."

The Committee substitute, as amended, was adopted.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to, as amended.

On the passage of the Bill, by substitute, as amended, the roll call was ordered and the vote was as follows:

Y Abrams	Y Coomer	Y Hamilton	Y McCall	Y Sims, C
Y Alexander	Y Cooper	Y Harbin	Y Meadows	Y Smith, E
Y Allison	Y Dawkins-Haigler	Y Harden	E Mitchell	Smith, L
Y Anderson	Y Deffenbaugh	Y Harrell	E Morgan	Y Smith, M
Y Atwood	Y Dempsey	Y Hatchett	Y Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	Y Mosby	Y Smyre
Y Barr	Y Dickey	Y Henson	Y Murphy	Y Spencer
Y Battles	Y Dickson	Y Hightower	Y Neal	Y Stephens, M
N Beasley-Teague	Y Dollar	Y Hill	Y Nimmer	Y Stephens, R
Y Bell	Y Douglas	Y Hitchens	Y Nix	Y Stephenson
Y Bennett	Y Drenner	Y Holcomb	Y Oliver	Y Stovall
Y Bentley	Y Dudgeon	Y Holmes	Y O'Neal	N Stover
Y Benton	Y Dukes	Y Holt	Y Pak	Y Strickland
Y Beverly	Y Dunahoo	Y Houston	Y Parrish	Y Talton
Y Black	Y Duncan	Y Howard	E Parsons	Y Tankersley
Y Braddock	Y Dutton	Y Hugley	Y Peake	Y Tanner
Y Broadrick	Ehrhart	Y Jackson	Y Pezold	Taylor, D
Y Brockway	Y England	Y Jacobs	N Powell, A	Y Taylor, T
Y Brooks	Y Epps, C	Y Jasperse	E Powell, J	Y Teasley
Y Bruce	Y Epps, J	Y Jones, J	Y Pruett	Y Thomas, A.M.
E Bryant	E Evans	Y Jones, L	Y Quick	E Thomas, B
Y Buckner	Y Fleming	Y Jones, S	Y Ramsey	Y Turner
Y Burns	Y Floyd	Jordan	Y Randall	Y Waites
Y Caldwell, J	Y Fludd	Y Kaiser	Y Rice	Y Watson, B
Y Caldwell, M	Y Frazier	Y Kelley	Y Riley	Y Watson, S
Y Carson	Y Frye	Y Kendrick	Y Roberts	Y Welch
Y Carter	Y Fullerton	Y Kidd	N Rogers, C	Y Weldon
E Casas	Y Gardner	Y Kirby	Y Rogers, T	Y Wilkerson
Y Chandler	Y Gasaway	Y Knight	Y Rutledge	Y Wilkinson
Y Channell	E Geisinger	Y Lindsey	Rynders	Y Willard
Y Chapman	Y Glanton	Y Lumsden	Y Scott	Y Williams, A
Cheokas	Y Golick	Y Mabra	Y Setzler	Y Williams, C
Y Clark, J	Y Gordon	Y Marin	Y Sharper	Y Williams, E
Y Clark, V	Y Gravley	Y Martin	Y Shaw	Y Williamson

Y Coleman  
Y Cooke

Y Greene  
E Gregory

Y Maxwell  
Y Mayo

Y Sheldon  
Y Sims, B

Y Yates  
Ralston, Speaker

On the passage of the Bill, by substitute, as amended, the ayes were 159, nays 4.

The Bill, having received the requisite constitutional majority, was passed, by substitute, as amended.

The following Bills of the House were taken up for the purpose of considering the Senate action thereon:

HB 202. By Representatives Epps of the 144th, Roberts of the 155th and Shaw of the 176th:

A BILL to be entitled an Act to amend Title 32 of the Official Code of Georgia Annotated, relating to highways, bridges, and ferries, so as to provide for requirements for performing value engineering studies; to provide for criteria for the allocation of federal and state funds by the Department of Transportation; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED  
AN ACT

To amend Title 32 of the Official Code of Georgia Annotated, relating to highways, bridges, and ferries, so as to provide for requirements for performing value engineering studies; to provide for criteria for the allocation of federal and state funds by the Department of Transportation; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Title 32 of the Official Code of Georgia Annotated, relating to highways, bridges, and ferries, is amended by revising subsection (d) of Code Section 32-2-41.2, relating to the development of benchmarks, reports, and value engineering studies by the Department of Transportation, to read as follows:

"(d) Value engineering studies shall be performed on all projects whose costs exceed ~~\$10~~ \$50 million, except for any project procured in accordance with Code Sections 32-2-79, 32-2-80, and 32-2-81, and the director shall submit an annual report to the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, and

the chairpersons of the House and Senate Transportation Committees detailing the amount saved due to the value engineering studies. This report shall also be published on the website of the department."

### SECTION 2.

Said title is further amended by revising paragraph (1) of subsection (a) of Code Section 32-5-30, relating to the allocation of state and federal funds, budgeting periods, and reduction of funds, to read as follows:

"(a)(1) The total of expenditures from the State Public Transportation Fund under paragraphs (4), (5), and (6) of Code Section 32-5-21 plus expenditures of federal funds appropriated to the department, ~~not including any federal funds specifically designated for projects that have been earmarked by a member of Congress in excess of appropriated funds,~~ shall be budgeted by the department over two successive budgeting periods every decade. However, such budgeting shall not include:

(A) Any federal funds specifically designated for projects that have been earmarked by a member of Congress in excess of appropriated funds;

(B) Any funds for a project undertaken for purposes of providing for the planning, surveying, constructing, paving, and improving of The Dwight D. Eisenhower System of Interstate and Defense Highways within the state; or

(C) Any funds for a project undertaken for purposes of providing for the planning, surveying, constructing, paving, and improving of any part of the state designated freight corridor, when such designation is made by the director of planning with approval from a majority of the board."

### SECTION 3.

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

Representative Roberts of the 155th moved that the House agree to the Senate substitute to HB 202.

On the motion, the roll call was ordered and the vote was as follows:

Y Abrams	Y Coomer	Y Hamilton	Y McCall	Y Sims, C
Y Alexander	Y Cooper	Y Harbin	Y Meadows	Y Smith, E
Y Allison	Y Dawkins-Haigler	Y Harden	E Mitchell	Y Smith, L
Y Anderson	Y Deffenbaugh	Y Harrell	E Morgan	Y Smith, M
E Atwood	Y Dempsey	Y Hatchett	Y Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	Y Mosby	Y Smyre
Y Barr	Y Dickey	Henson	Y Murphy	Y Spencer
Y Battles	Y Dickson	Y Hightower	Y Neal	Y Stephens, M
N Beasley-Teague	Y Dollar	Y Hill	Y Nimmer	Y Stephens, R
Y Bell	Y Douglas	Y Hitchens	Y Nix	Y Stephenson
Y Bennett	Y Drenner	Y Holcomb	Y Oliver	Y Stovall
Y Bentley	Y Dudgeon	Y Holmes	Y O'Neal	Y Stover
Y Benton	Y Dukes	Y Holt	Y Pak	Y Strickland
Y Beverly	Y Dunahoo	Y Houston	Y Parrish	Y Talton

Black	Y Duncan	Y Howard	E Parsons	Y Tankersley
Y Braddock	Y Dutton	Y Hugley	Y Peake	Y Tanner
Y Broadrick	Y Ehrhart	Y Jackson	Y Pezold	Y Taylor, D
Y Brockway	Y England	Y Jacobs	Y Powell, A	Y Taylor, T
Y Brooks	Y Epps, C	Y Jasperse	E Powell, J	Y Teasley
Y Bruce	Epps, J	Y Jones, J	Y Pruett	Y Thomas, A.M.
E Bryant	E Evans	Y Jones, L	Y Quick	E Thomas, B
Y Buckner	Y Fleming	Y Jones, S	Y Ramsey	Y Turner
Y Burns	Y Floyd	Jordan	Y Randall	Y Waites
Y Caldwell, J	Y Fludd	Y Kaiser	Y Rice	Y Watson, B
Y Caldwell, M	Y Frazier	Y Kelley	Y Riley	Y Watson, S
Y Carson	Y Frye	Y Kendrick	Y Roberts	Y Welch
Y Carter	Y Fullerton	Y Kidd	Y Rogers, C	Y Weldon
E Casas	Y Gardner	Y Kirby	Y Rogers, T	Y Wilkerson
Y Chandler	Y Gasaway	Y Knight	Y Rutledge	Y Wilkinson
Y Channell	E Geisinger	Y Lindsey	Y Rynders	Y Willard
Chapman	Y Glanton	Y Lumden	Y Scott	Y Williams, A
Y Cheokas	Golick	Y Mabra	Y Setzler	Y Williams, C
Y Clark, J	Y Gordon	Y Marin	Y Sharper	Y Williams, E
Y Clark, V	Y Gravley	Y Martin	Y Shaw	Y Williamson
Y Coleman	Greene	Y Maxwell	Y Sheldon	Y Yates
Y Cooke	E Gregory	Y Mayo	Y Sims, B	Ralston, Speaker

On the motion, the ayes were 160, nays 1.

The motion prevailed.

HB 101. By Representatives Epps of the 144th, McCall of the 33rd, Jasperse of the 11th, Holmes of the 129th, Harden of the 148th and others:

A BILL to be entitled an Act to amend Code Section 26-2-370 of the Official Code of Georgia Annotated, relating to definitions relative to food service establishments, so as to exclude certain events held by nonprofit organizations from the definition of "food service establishment"; to amend Code Section 26-2-391 of the Official Code of Georgia Annotated, relating to permits for nonprofit food sales and food service at events, so as to allow counties or municipalities to delegate permitting authority to the local board of health; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED  
AN ACT

To amend Code Section 26-2-370 of the Official Code of Georgia Annotated, relating to definitions relative to food service establishments, so as to exclude certain events held by nonprofit organizations from the definition of "food service establishment"; to amend Article 14 of Chapter 2 of Title 26 of the Official Code of Georgia Annotated, relating to

nonprofit food sales and food service, so as to allow counties or municipalities to delegate permitting authority to the local board of health; to provide for protection for property owners; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Code Section 26-2-370 of the Official Code of Georgia Annotated, relating to definitions relative to food service establishments, is amended as follows:

"26-2-370.

As used in this article, the term:

(1) 'Food nutrition information' means the content of food including, but not limited to, the caloric, fat, carbohydrate, cholesterol, fiber, sugar, potassium, protein, vitamin, mineral, and sodium content.

(2) 'Food service establishment' means establishments for the preparation and serving of meals, lunches, short orders, sandwiches, frozen desserts, or other edible products either for carry out or service within the establishment. The term includes restaurants; coffee shops; cafeterias; short order cafes; luncheonettes; taverns; lunchrooms; places which retail sandwiches or salads; soda fountains; institutions, both public and private; food carts; itinerant restaurants; industrial cafeterias; catering establishments; and similar facilities by whatever name called. Within a food service establishment, there may be a food sales component, not separately operated. This food sales component shall be considered as part of the food service establishment. This term shall not include a 'food sales establishment,' as defined in Code Section 26-2-21, except as stated in this definition. The food service component of any food sales establishment defined in Code Section 26-2-21 shall not be included in this definition. This term shall not include any outdoor recreation activity sponsored by the state, a county, a municipality, or any department or entity thereof, any outdoor or indoor (other than school cafeteria food service) public school function, or any outdoor private school function. This term also shall not mean establishments for the preparation and serving of meals, lunches, short orders, sandwiches, frozen desserts, or other edible products if such preparation or serving is an authorized part of and occurs upon the site of a ~~fair or festival~~ an event which:

(A) Is sponsored by a political subdivision of this state or by an organization exempt from taxes under paragraph (1) of subsection (a) of Code Section 48-7-25 or under Section 501(d) or paragraphs (1) through (8) or paragraph (10) of Section 501(c) of the Internal Revenue Code, as that code is defined in Code Section 48-1-2;

(B) Is held on the property of such sponsor or on the property of a party that has provided written consent for use of such property for such event;

~~(B)~~(C) Lasts 120 hours or less; and

~~(C)~~(D) When sponsored by such an organization, is authorized to be conducted pursuant to a permit issued by the municipality or county in which it is conducted.

(3) 'Person' or 'persons' means any individual, firm, partnership, corporation, trustee, or association, or combination thereof."

### SECTION 2.

Article 14 of Chapter 2 of Title 26 of the Official Code of Georgia Annotated, relating to nonprofit food sales and food service, is amended by revising Code Section 26-2-391, relating to permits for nonprofit food sales and food service at events, as follows:

"26-2-391.

A county or municipality shall be authorized to issue permits for the operation of nonprofit food sales and food service at events sponsored by the county, municipality, or an organization; provided, however, that the county or municipality may delegate the authority to issue such permits to the county board of health. For any permit issued pursuant to this Code section to be valid, the event must be held on property belonging to the sponsoring county, municipality, or organization or on the property of a party that has provided written consent for use of such property for such event. A permit shall be valid for a period of 120 hours or less and another permit shall not be issued to the organization holding such permit until five days have elapsed from the date of the expiration of the permit. No fees shall be charged to an organization for the issuance of any such permit ~~by a county or municipality.~~"

### SECTION 3.

Said article is further amended in Code Section 26-2-393, relating to enforcement of nonprofit food sales and food service provisions, by revising subsection (a) as follows:

"(a) The county or municipality issuing a permit for the operation of a nonprofit food sales and food service event shall be authorized to enforce the provisions of this article; ~~provided, however, no adverse action against an organization may be taken by a county or municipality or any agent of a county or municipality, including a denial of a permit or revocation of a permit, or citation for violation of this article, without the written approval of such action by the district health director and any party whose property is used for the operation of a nonprofit food sales or food service event without such party's written authorization may seek legal and equitable remedies including, but not limited to, damages and injunctive relief against unauthorized users.~~"

### SECTION 4.

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

Representative Epps of the 144th moved that the House agree to the Senate substitute to HB 101.

On the motion, the roll call was ordered and the vote was as follows:

Y Abrams	Y Coomer	Y Hamilton	Y McCall	Y Sims, C
Y Alexander	Y Cooper	Y Harbin	Y Meadows	Y Smith, E
Y Allison	Y Dawkins-Haigler	Y Harden	E Mitchell	Y Smith, L

Y Anderson	Y Deffenbaugh	Y Harrell	E Morgan	Y Smith, M
E Atwood	Y Dempsey	Y Hatchett	Y Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	Y Mosby	Y Smyre
Y Barr	Y Dickey	Y Henson	Y Murphy	Y Spencer
Y Battles	Y Dickson	Y Hightower	Y Neal	Y Stephens, M
N Beasley-Teague	Y Dollar	Y Hill	Y Nimmer	Y Stephens, R
Y Bell	Y Douglas	Y Hitchens	Y Nix	Y Stephenson
Y Bennett	Y Drenner	Y Holcomb	Y Oliver	Y Stovall
Y Bentley	Y Dudgeon	Y Holmes	O'Neal	Y Stover
Y Benton	Y Dukes	Y Holt	Y Pak	Y Strickland
Y Beverly	Y Dunahoo	Y Houston	Y Parrish	Y Talton
Black	Y Duncan	Y Howard	E Parsons	Y Tankersley
Y Braddock	Y Dutton	Y Hugley	Y Peake	Y Tanner
Y Broadrick	Ehrhart	Y Jackson	Y Pezold	Y Taylor, D
Y Brockway	Y England	Y Jacobs	Y Powell, A	Y Taylor, T
Y Brooks	Y Epps, C	Y Jasperse	E Powell, J	Y Teasley
Y Bruce	Y Epps, J	Y Jones, J	Y Pruett	Y Thomas, A.M.
E Bryant	E Evans	Y Jones, L	Y Quick	E Thomas, B
Y Buckner	Y Fleming	Y Jones, S	Y Ramsey	Y Turner
Y Burns	Y Floyd	Jordan	Y Randall	Y Waites
Y Caldwell, J	Y Fludd	Y Kaiser	Y Rice	Y Watson, B
Y Caldwell, M	Y Frazier	Y Kelley	Y Riley	Y Watson, S
Y Carson	Y Frye	Y Kendrick	Y Roberts	Y Welch
Y Carter	Y Fullerton	Y Kidd	Y Rogers, C	Y Weldon
E Casas	Y Gardner	Y Kirby	Y Rogers, T	Y Wilkerson
Y Chandler	Y Gasaway	Y Knight	Y Rutledge	Y Wilkinson
Y Channell	E Geisinger	Y Lindsey	Y Rynders	Y Willard
Chapman	Y Glanton	Y Lumsden	Y Scott	Y Williams, A
Y Cheokas	Y Golick	Y Mabra	Y Setzler	Y Williams, C
Y Clark, J	Y Gordon	Y Marin	Y Sharper	Y Williams, E
Y Clark, V	Y Gravley	Y Martin	Y Shaw	Y Williamson
Y Coleman	Y Greene	Y Maxwell	Y Sheldon	Y Yates
Y Cooke	E Gregory	Y Mayo	Y Sims, B	Ralston, Speaker

On the motion, the ayes were 162, nays 1.

The motion prevailed.

HB 198. By Representatives Smith of the 134th, Meadows of the 5th, Maxwell of the 17th, Shaw of the 176th, Abrams of the 89th and others:

A BILL to be entitled an Act to amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to provide for licensing of health insurance navigators under the federal Patient Protection and Affordable Care Act; to provide for definitions; to provide for the powers and duties of the Commissioner of Insurance with respect to the foregoing; to provide for related matters; to provide for applicability; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED  
AN ACT

To amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to provide for licensing of health insurance navigators under the federal Patient Protection and Affordable Care Act; to provide for definitions; to provide for the powers and duties of the Commissioner of Insurance with respect to the foregoing; to provide for related matters; to provide for applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Title 33 of the Official Code of Georgia Annotated, relating to insurance, is amended by adding a new article to read as follows:

"ARTICLE 3

33-23-200.

The General Assembly finds that the provisions of the federal Patient Protection and Affordable Care Act may cause the formation of health insurance exchanges operating in Georgia under federal law and employing navigators or navigator entities whose role will be to direct individuals and companies to health insurance policies. The General Assembly further finds that licensing and regulation of such navigators or navigator entities to ensure that they are trained and knowledgeable in the subject matter of individual and group health insurance plans and insurance coverage is necessary to avoid substantial risk to the health, safety, and welfare of the residents of this state.

33-23-201.

As used in this article, the term:

- (1) 'Exchange' means a state, federal, or partnership exchange or marketplace operating in Georgia pursuant to Section 1311 of the federal act.
- (2) 'Federal act' means the federal Patient Protection and Affordable Care Act (Public Law 111-148), as amended by the federal Health Care and Education Reconciliation Act of 2010 (Public Law 111-152), and regulations or guidance issued under those acts.
- (3) 'Navigator' means an individual, including assistants, application counselors, or other persons, authorized pursuant to the federal act to provide insurance advice and guidance to uninsured individuals and groups seeking health insurance coverage. For the purposes of this article, if an organization or business entity serves as a navigator, an individual performing navigator duties for that organization or business entity shall be considered to be acting in the capacity of a navigator.

(4) 'Patient navigator' means an individual who offers assistance to patients, families, and caregivers to help overcome health care system barriers and to facilitate timely access to quality medical and psychosocial care as defined by the health care community he or she serves.

33-23-202.

(a) No navigator shall provide advice, guidance, or other assistance with regard to health benefit plans as a navigator under the provisions of the federal act unless licensed in accordance with this article.

(b) The Commissioner shall not issue a license to any applicant who does not meet or conform to the following qualifications or requirements:

(1) The applicant shall establish to the satisfaction of the Commissioner that he or she has the background, experience, knowledge, and competency in the subject matter that will enable him or her to deliver accurate information and advice to individuals and groups in this state seeking to obtain health insurance coverage under the provisions of the federal act;

(2) The applicant shall have successfully completed not less than 35 hours of instruction in health benefit insurance, the exchange provisions of the federal act, the medical assistance program provided for by Article 7 of Chapter 4 of Title 49, and the PeachCare for Kids Program provided for by Article 13 of Chapter 5 of Title 49 satisfactory to the Commissioner through a training program approved by the Commissioner;

(3) The applicant shall pass such examination as shall be required by the Commissioner unless such applicant is exempted by the Commissioner based on the applicant's experience and qualifications and pursuant to regulations adopted by the Commissioner;

(4) An applicant shall be not less than 18 years of age and of good moral character and must submit in a form approved by the Commissioner such information, including without limitation criminal history and regulatory background information, as the Commissioner may require; and

(5) An applicant for a renewal license shall have completed continuing education classes approved by the Commissioner.

33-23-203.

(a) Violation of any provision of this title or the federal act, including any act or omission that would be a ground for denial, suspension, or revocation of the license of an agent as defined in Article 1 of this chapter, shall be a ground for denial, suspension, or revocation of a license under this article.

(b) No navigators shall solicit any person or business that is currently insured under an existing health benefit plan.

(c) No navigator shall receive any commission, compensation, or anything of value from any insurer, health benefit plan, business, or consumer for providing advice or services specifically authorized to be provided as a navigator pursuant to the provisions

of the federal act. Navigators shall be compensated for advice or services rendered pursuant to the provisions of the federal act only as provided for by the federal act.

(d) Navigators shall provide factually accurate information to uninsured persons and businesses regarding the availability of premium tax credits under Section 36B of the Internal Revenue Code of 1986 and cost-sharing reductions under Section 1402 of the federal act.

(e) Notwithstanding any other provision of law, licensing as a navigator pursuant to the provisions of this article shall not constitute licensing as an agent or administrator as defined in Articles 1 and 2 of this chapter. No person providing advice or services as a navigator under the provisions of the federal act shall be compensated for such advice or services as the holder of a license issued pursuant to Article 1 or 2 of this chapter; provided, however, that the provisions of this subsection shall not prohibit the holder of a license issued pursuant to such articles from being compensated for advice or services rendered as such a licensee and not as a navigator. Navigators licensed pursuant to the provisions of this article shall not, except as specifically authorized by the provisions of the federal act:

(1) Engage in any activities that would require licensing pursuant to the provisions of Article 1 or 2 of this chapter unless licensed thereunder;

(2) Provide advice concerning the benefits, terms, and features of a particular health benefit plan or offer advice about which health benefit plan is better or worse for a particular individual or business, except in the capacity of a licensee pursuant to the provisions of Article 1 or 2 of this chapter; or

(3) Recommend a particular health benefit plan or advise individuals or businesses about which health benefit plan to choose, except in the capacity of a licensee pursuant to the provisions of Article 1 or 2 of this chapter.

33-23-204.

The Commissioner shall be authorized to adopt rules and regulations to effect the implementation of this article.

33-23-205.

The provisions of this article shall not apply to patient navigators as defined in paragraph (4) of Code Section 33-23-201."

## **SECTION 2.**

The provisions of this Act shall become applicable only upon the notification by the federal Department of Health and Human Services or other responsible federal agency or official to the Governor, the Commissioner of Insurance, or other responsible agency or official of the State of Georgia that a health insurance exchange has been created or approved to operate within the State of Georgia pursuant to the provisions of the federal Patient Protection and Affordable Care Act (Public Law 111-148), as amended by the federal Health Care and Education Reconciliation Act of 2010 (Public Law 111-152), and

any amendments thereto, or regulations or guidance issued under those acts, or upon the initiation of operation of any such exchange within the State of Georgia.

### SECTION 3.

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

Representative Smith of the 134th moved that the House agree to the Senate substitute to HB 198.

On the motion, the roll call was ordered and the vote was as follows:

Y Abrams	Y Coomer	Y Hamilton	Y McCall	Y Sims, C
Y Alexander	Y Cooper	Y Harbin	Y Meadows	N Smith, E
N Allison	N Dawkins-Haigler	Y Harden	E Mitchell	Y Smith, L
N Anderson	Y Deffenbaugh	Y Harrell	E Morgan	Y Smith, M
E Atwood	Y Dempsey	Y Hatchett	Y Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	N Mosby	Y Smyre
N Barr	Y Dickey	Henson	Y Murphy	N Spencer
Y Battles	Y Dickson	N Hightower	Y Neal	Y Stephens, M
N Beasley-Teague	Y Dollar	N Hill	Y Nimmer	Y Stephens, R
Y Bell	Y Douglas	Y Hitchens	Y Nix	N Stephenson
Y Bennett	Y Drenner	Y Holcomb	Oliver	Y Stovall
Y Bentley	Y Dudgeon	Y Holmes	Y O'Neal	N Stover
Y Benton	Y Dukes	Y Holt	Y Pak	Y Strickland
Y Beverly	N Dunahoo	Y Houston	Y Parrish	Y Talton
Black	N Duncan	Y Howard	E Parsons	Y Tankersley
N Braddock	N Dutton	Y Hugley	Y Peake	Y Tanner
Y Broadrick	Ehrhart	Y Jackson	N Pezold	Y Taylor, D
Y Brockway	Y England	Y Jacobs	Y Powell, A	Y Taylor, T
Y Brooks	Y Epps, C	Y Jasperse	E Powell, J	Y Teasley
Y Bruce	Y Epps, J	Y Jones, J	Y Pruett	Y Thomas, A.M.
E Bryant	E Evans	Y Jones, L	Y Quick	E Thomas, B
Y Buckner	Y Fleming	Y Jones, S	Y Ramsey	N Turner
Y Burns	Y Floyd	Y Jordan	Y Randall	Y Waites
Y Caldwell, J	Fludd	Y Kaiser	Y Rice	Y Watson, B
N Caldwell, M	Y Frazier	N Kelley	Y Riley	Y Watson, S
Y Carson	Y Frye	Y Kendrick	Y Roberts	Y Welch
Y Carter	Y Fullerton	Y Kidd	Y Rogers, C	Weldon
E Casas	Y Gardner	Y Kirby	N Rogers, T	Y Wilkerson
Y Chandler	N Gasaway	Y Knight	Y Rutledge	Y Wilkinson
Y Channell	E Geisinger	Y Lindsey	Rynders	Y Willard
Chapman	Y Glanton	Y Lumsden	Y Scott	Y Williams, A
Y Cheokas	Y Golick	Y Mabra	N Setzler	Y Williams, C
Y Clark, J	Y Gordon	Y Marin	Y Sharper	Y Williams, E
Y Clark, V	Y Gravley	Y Martin	Y Shaw	Y Williamson
Y Coleman	Y Greene	Y Maxwell	Y Sheldon	Y Yates
N Cooke	E Gregory	Y Mayo	Y Sims, B	Ralston, Speaker

On the motion, the ayes were 136, nays 24.

The motion prevailed.

HB 254. By Representatives Williamson of the 115th, Shaw of the 176th, Rice of the 95th, Harbin of the 122nd, Teasley of the 37th and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to general provisions relative to uniform rules of the road, so as to provide that electronic proof of insurance may be accepted under certain circumstances; to provide for a definition; to provide that an insurance company may issue coverage information in electronic format on a mobile electronic device of insurance coverage in lieu of issuing a card; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED  
AN ACT

To amend Article 1 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to general provisions relative to uniform rules of the road, so as to provide that electronic proof of insurance may be accepted under certain circumstances; to provide for a definition; to provide that an insurance company may issue coverage information in electronic format on a mobile electronic device of insurance coverage in lieu of issuing a card; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Article 1 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to general provisions relative to uniform rules of the road, is amended by revising Code Section 40-6-10, relating to insurance requirements for operation of motor vehicles, as follows:

"40-6-10.

(a)(1) As used in this Code section, the term 'mobile electronic device' means a portable computing and communication device that has a display screen with touch input or a miniature keyboard.

(1.1) Upon the request of the insured, an insurer may issue a verification as to the existence of minimum motor vehicle liability insurance coverage as required under Chapter 34 of Title 33 in an electronic format to a mobile electronic device to the extent available. This paragraph shall not require an insurer to provide such verification of coverage in real time.

(1.2) The owner or operator of a motor vehicle for which minimum motor vehicle liability insurance coverage is required under Chapter 34 of Title 33 shall keep proof

or evidence of required minimum insurance coverage in the vehicle at all times during the operation of the vehicle. The owner of a motor vehicle shall provide to any operator of such vehicle proof or evidence of required minimum insurance coverage for the purposes of compliance with this subsection. The proof or evidence of required minimum insurance coverage required by this subsection may be produced in either paper or electronic format. Acceptable electronic formats include a display of electronic images on a mobile electronic device.

(2) The following shall be acceptable proof of insurance on a temporary basis:

(A) If the policy providing such coverage was applied for within the last 30 days, a current written binder for such coverage for a period not exceeding 30 days from the date such binder was issued shall be considered satisfactory proof or evidence of required minimum insurance coverage;

(B) If the vehicle is operated under a rental agreement, a duly executed vehicle rental agreement shall be considered satisfactory proof or evidence of required minimum insurance coverage; and

(C) If the owner acquired ownership of the vehicle within the past 30 days, if the type of proof described in subparagraph (A) of this paragraph is not applicable but the vehicle is currently effectively provided with required minimum insurance coverage under the terms of a policy providing required minimum insurance coverage for another motor vehicle, then a copy of the insurer's declaration of coverage under the policy providing such required minimum insurance coverage for such other vehicle shall be considered satisfactory proof or evidence of required minimum insurance coverage for the vehicle, but only if accompanied by proof or evidence that the owner acquired ownership of the vehicle within the past 30 days.

(2.1) If the vehicle is insured under a fleet policy as defined in Code Section 40-2-137 providing the required minimum insurance coverage or if the vehicle is engaged in interstate commerce and registered under the provisions of Article 3A of Chapter 2 of this title, the insurance information card issued by the insurer shall be considered satisfactory proof of required minimum insurance coverage for the vehicle.

(2.2) If the vehicle is insured under a certificate of self-insurance issued by the Commissioner of Insurance providing the required minimum insurance coverage under which the vehicle owner did not report the vehicle identification number to the Commissioner of Insurance, the insurance information card issued by the Commissioner of Insurance shall be considered satisfactory proof of required minimum insurance coverage for the vehicle, but only if accompanied by a copy of the certificate issued by the Commissioner of Insurance.

(3) The requirement under this Code section that proof or evidence of minimum liability insurance be maintained in a motor vehicle at all times during the operation of the vehicle or produced in electronic format shall not apply to the owner or operator of any vehicle for which the records or data base of the Department of Revenue indicates that required minimum insurance coverage is currently effective.

(4) Except as otherwise provided in paragraph (7) of this subsection, any person who fails to comply with the requirements of this subsection shall be guilty of a

misdemeanor and, upon conviction thereof, shall be subject to a fine of not less than \$200.00 nor more than \$1,000.00 or imprisonment for not more than 12 months, or both.

(5) Every law enforcement officer in this state shall determine if the operator of a motor vehicle subject to the provisions of this Code section has the required minimum insurance coverage every time the law enforcement officer stops the vehicle or requests the presentation of the driver's license of the operator of the vehicle.

(6) If a law enforcement officer of this state determines that the owner or operator of a motor vehicle subject to the provisions of this Code section does not have proof or evidence of required minimum insurance coverage, the arresting officer shall issue a uniform traffic citation for operating a motor vehicle without proof of insurance. If the court or arresting officer determines that the operator is not the owner, then a uniform traffic citation may be issued to the owner for authorizing the operation of a motor vehicle without proof of insurance.

(7) If the person receiving a citation under this subsection shows to the court having jurisdiction of the case that required minimum insurance coverage was in effect at the time the citation was issued, the court may impose a fine not to exceed \$25.00. The court shall not in this case forward a record of the disposition of the case to the department, and the driver's license of such person shall not be suspended.

(8)(A) For purposes of this Code section, a valid insurance card or verification in electronic format on a mobile electronic device shall be sufficient proof of insurance only for any vehicle covered under a fleet policy as defined in Code Section 40-2-137. The insurance card or verification in electronic format on a mobile electronic device for a fleet policy shall contain at least the name of the insurer, policy number, policy issue or effective date, policy expiration date, and the name of the insured and may, but shall not be required to, include the year, make, model, and vehicle identification number of the vehicle insured. If the operator of any vehicle covered under a fleet policy as defined in Code Section 40-2-137 presents a valid insurance card or verification in electronic format on a mobile electronic device for a fleet policy to any law enforcement officer or agency, and the officer or agency does not recognize the insurance card or verification in electronic format on a mobile electronic device as valid proof of insurance and impounds or tows such vehicle for lack of proof of insurance, the law enforcement agency or political subdivision shall be liable for and limited to the fees of the wrongful impoundment or towing of the vehicle, which in no way waives or diminishes any sovereign immunity of such governmental entity. If a person displays verification in electronic format on a mobile electronic device pursuant to this subparagraph, such person shall not be deemed as consenting to law enforcement to access other contents of such mobile electronic device.

(B) For any vehicle covered under a policy of motor vehicle liability insurance that is not a fleet policy as defined in Code Section 40-2-137, the insurer shall issue a policy information card which shall contain, or may make available in an electronic format on a mobile electronic device, at least the name of the insurer, policy

number, policy issue or effective date, policy expiration date, name of the insured, and year, make, model, and vehicle identification number of each vehicle insured; the owner or operator of the motor vehicle shall keep such policy information card in the vehicle at all times during operation of the vehicle for purposes of Code Section 40-6-273.1, but any such policy information card or policy information in an electronic format on a mobile electronic device shall not be sufficient proof of insurance for any purposes of this Code section except as otherwise provided in this Code section. If a person displays policy information in an electronic format on a mobile electronic device pursuant to this subparagraph, such person shall not be deemed as consenting to law enforcement to access other contents of such mobile electronic device.

(b) An owner or any other person who knowingly operates or knowingly authorizes another to operate a motor vehicle without effective insurance on such vehicle or without an approved plan of self-insurance shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not less than \$200.00 nor more than \$1,000.00 or imprisonment for not more than 12 months, or both. An operator of a motor vehicle shall not be guilty of a violation of this Code section if such operator maintains a policy of motor vehicle insurance which extends coverage to any vehicle the operator may drive. An owner or operator of a motor vehicle shall not be issued a citation by a law enforcement officer for a violation of this Code section if the sole basis for issuance of such a citation is that the law enforcement officer is unable to obtain insurance coverage information from the records of the department.

(c) Any person who knowingly makes a false statement or certification under Code Section 40-5-71 or this Code section shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not less than \$200.00 nor more than \$1,000.00 or imprisonment for not more than 12 months, or both.

(d) Except for vehicles insured under a fleet policy as defined in Code Section 40-2-137 or under a plan of self-insurance approved by the Commissioner of Insurance, insurance coverage information from records of the department shall be prima-facie evidence of the facts stated therein and shall be admissible as evidence in accordance with Code Section 24-9-924 for the purposes of this Code section."

## **SECTION 2.**

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

## **SECTION 3.**

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

Representative Williamson of the 115th moved that the House agree to the Senate substitute to HB 254.

On the motion, the roll call was ordered and the vote was as follows:

Y Abrams	Y Coomer	Y Hamilton	Y McCall	Y Sims, C
Y Alexander	Y Cooper	Y Harbin	Y Meadows	Y Smith, E
Y Allison	Y Dawkins-Haigler	Y Harden	E Mitchell	Y Smith, L
Y Anderson	Y Deffenbaugh	Y Harrell	E Morgan	Smith, M
E Atwood	Y Dempsey	Y Hatchett	Y Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	Y Mosby	Y Smyre
Y Barr	Y Dickey	Henson	Y Murphy	Y Spencer
Y Battles	Y Dickson	Y Hightower	Y Neal	Y Stephens, M
N Beasley-Teague	Y Dollar	Y Hill	Y Nimmer	Y Stephens, R
Y Bell	Y Douglas	Y Hitchens	Y Nix	Y Stephenson
Y Bennett	Drenner	Y Holcomb	Oliver	Y Stovall
Y Bentley	Y Dudgeon	Y Holmes	Y O'Neal	Y Stover
Y Benton	Y Dukes	Y Holt	Y Pak	Y Strickland
Y Beverly	Y Dunahoo	Y Houston	Y Parrish	Y Talton
Y Black	Y Duncan	Y Howard	E Parsons	Y Tankersley
Y Braddock	Y Dutton	Y Hugley	Y Peake	Y Tanner
Y Broadrick	Ehrhart	Y Jackson	Y Pezold	Y Taylor, D
Y Brockway	Y England	Y Jacobs	Y Powell, A	Y Taylor, T
Y Brooks	Y Epps, C	Y Jasperse	E Powell, J	Y Teasley
Y Bruce	Y Epps, J	Y Jones, J	Y Pruett	Y Thomas, A.M.
E Bryant	E Evans	Y Jones, L	Y Quick	E Thomas, B
Y Buckner	Y Fleming	Y Jones, S	Y Ramsey	Y Turner
Burns	Floyd	Y Jordan	Y Randall	Y Waites
Y Caldwell, J	Y Fludd	Y Kaiser	Y Rice	Y Watson, B
Y Caldwell, M	Y Frazier	Y Kelley	Y Riley	Y Watson, S
Y Carson	Y Frye	Y Kendrick	Y Roberts	Y Welch
Y Carter	Y Fullerton	Y Kidd	Y Rogers, C	Y Weldon
E Casas	Y Gardner	Y Kirby	Y Rogers, T	Y Wilkerson
Y Chandler	Y Gasaway	Y Knight	Y Rutledge	Y Wilkinson
Y Channell	E Geisinger	Y Lindsey	Y Rynders	Y Willard
Y Chapman	Y Glanton	Y Lumsden	Y Scott	Y Williams, A
Y Cheokas	Y Golick	Y Mabra	Y Setzler	Y Williams, C
Y Clark, J	Y Gordon	Y Marin	Y Sharper	Y Williams, E
Y Clark, V	Y Gravley	Y Martin	Y Shaw	Y Williamson
Y Coleman	Y Greene	Y Maxwell	Y Sheldon	Y Yates
Y Cooke	E Gregory	Y Mayo	Y Sims, B	Ralston, Speaker

On the motion, the ayes were 160, nays 1.

The motion prevailed.

The following Resolutions of the House, favorably reported by the Committee on Rules, were read and adopted:

HR 78. By Representatives Thomas of the 56th, Jones of the 53rd, Brooks of the 55th and Hugley of the 136th:

A RESOLUTION recognizing and commending Charlie L. Smith, Jr., and inviting him to be recognized by the House of Representatives; and for other purposes.

HR 490. By Representatives Rogers of the 29th, Hawkins of the 27th, Dunahoo of the 30th and Barr of the 103rd:

A RESOLUTION congratulating the Gainesville High School Red Elephants football team on their 2012 Class AAAAA State Championship win and inviting them and the Gainesville High School football team coaches, cheerleading team, and administration to be recognized by the House of Representatives; and for other purposes.

The following Resolutions of the House were read and adopted:

HR 742. By Representatives Morgan of the 39th, Randall of the 142nd and Bennett of the 94th:

A RESOLUTION recognizing Alpha Kappa Alpha Sorority, Kappa Omega Chapter, during the month of March; and for other purposes.

HR 743. By Representative Marin of the 96th:

A RESOLUTION recognizing and commending the Hispanic National Bar Association; and for other purposes.

HR 744. By Representative Dempsey of the 13th:

A RESOLUTION recognizing and commending Amy Hou; and for other purposes.

HR 745. By Representatives Wilkinson of the 52nd, Abrams of the 89th, Smyre of the 135th, Brooks of the 55th, O'Neal of the 146th and others:

A RESOLUTION congratulating Mr. Ira Spradlin on the occasion of his retirement; and for other purposes.

HR 746. By Representatives Lindsey of the 54th, Sheldon of the 104th, England of the 116th, Abrams of the 89th, Hugley of the 136th and others:

A RESOLUTION commending the March of Dimes and recognizing March 13, 2013, as March of Dimes Day at the state capitol; and for other purposes.

HR 747. By Representative Holcomb of the 81st:

A RESOLUTION congratulating Father James Schillinger on being named a Monsignor by Pope Benedict XVI; and for other purposes.

HR 748. By Representative Epps of the 144th:

A RESOLUTION recognizing and commending the Wilkinson High School boys basketball team on their 2013 GHSA Class A State Championship win; and for other purposes.

HR 749. By Representatives Fludd of the 64th, Beasley-Teague of the 65th and Jones of the 53rd:

A RESOLUTION recognizing and commending the United Automobile, Aerospace, and Agricultural Implement Workers of America Region 8 for its outstanding contributions; and for other purposes.

HR 750. By Representatives Hamilton of the 24th, Dudgeon of the 25th, Duncan of the 26th, Yates of the 73rd, Coomer of the 14th and others:

A RESOLUTION recognizing and commending Change 4 Georgia and Remington Youngblood; and for other purposes.

HR 751. By Representatives Rogers of the 29th, Dunahoo of the 30th, Hawkins of the 27th and Barr of the 103rd:

A RESOLUTION honoring the life and memory of Michael Andrew "Drew" Wilson II; and for other purposes.

HR 752. By Representatives Rogers of the 29th, Holmes of the 129th, Hawkins of the 27th, Dunahoo of the 30th and Barr of the 103rd:

A RESOLUTION honoring the life and memory of Thomas Durward Pennington, Jr.; and for other purposes.

HR 753. By Representative Powell of the 32nd:

A RESOLUTION honoring the life and memory of Mr. George M. Rooks, Jr.; and for other purposes.

HR 754. By Representatives Williams of the 168th, Bell of the 58th and Jackson of the 128th:

A RESOLUTION recognizing and commending Leslie Jordan; and for other purposes.

Representative Rogers of the 29th District, Chairman of the Committee on Higher Education, submitted the following report:

Mr. Speaker:

Your Committee on Higher Education has had under consideration the following Bills of the Senate and has instructed me to report the same back to the House with the following recommendations:

SB 82	Do Pass
SB 155	Do Pass, by Substitute

Respectfully submitted,  
/s/ Rogers of the 29th  
Chairman

Representative Willard of the 51st District, Chairman of the Committee on Judiciary, submitted the following report:

Mr. Speaker:

Your Committee on Judiciary has had under consideration the following Bills and Resolution of the House and Senate and has instructed me to report the same back to the House with the following recommendations:

HR 644	Do Pass	SB 1	Do Pass
SB 113	Do Pass, by Substitute	SB 158	Do Pass, by Substitute
SB 168	Do Pass, by Substitute	SB 179	Do Pass, by Substitute
SB 185	Do Pass, by Substitute		

Respectfully submitted,  
/s/ Willard of the 51st  
Chairman

Representative O'Neal of the 146th moved that the House stand in recess until 5:00 o'clock, P.M., at which time the House will stand adjourned until 10:00 o'clock, A.M. Wednesday, March 20, 2013.

The Speaker announced the House in recess until 5:00 o'clock, P.M., at which time the House will stand adjourned, pursuant to the adjournment Resolution previously adopted by the House and Senate, until 10:00 o'clock, A.M. Wednesday, March 20, 2013.