

House Bill 149

By: Representatives Mainor of the 56th, Bentley of the 150th, Jackson of the 128th, Lim of the 98th, Sampson of the 153rd, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 2 of Article 15 of Chapter 1 of Title 10 of the Official Code of Georgia
2 Annotated, relating to the "Fair Business Practices Act of 1975," so as to require cash
3 overpayments to be remitted by merchants in the form of store credit under certain
4 circumstances; to provide for a definition; to provide for exceptions; to provide for penalties
5 and remedies; to provide for related matters; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Part 2 of Article 15 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated,
10 relating to the "Fair Business Practices Act of 1975," is amended by adding a new Code
11 section to read as follows:

12 "10-1-393.18.

13 (a) As used in this Code section, the term 'merchant' means any person that offers goods,
14 wares, merchandise, or services for sale, excluding offers made online or entirely through
15 an automated machine, in this state to the public and shall include an employee of a
16 merchant.

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- 17 (b) If a merchant does not have exact change to give a buyer for an overpayment for goods
18 and services paid for with cash, the merchant shall remit the amount of payment in excess
19 of the purchase price and sales tax to the buyer in the form of a store credit.
- 20 (c) The provisions of this Code section shall not apply to a merchant that:
- 21 (1) Is a sole proprietor;
22 (2) Is a business with only one employee; or
23 (3) Is at an event expected to attract 500 or more persons.
- 24 (d) Any merchant that violates any provision of this Code section shall be subject to the
25 penalties provided in this part.
- 26 (e) The rights and remedies provided for in this Code section are in addition to any other
27 rights and remedies provided by law."

28 **SECTION 2.**

29 All laws and parts of laws in conflict with this Act are repealed.