

Senate Bill 582

By: Senator Tate of the 38th

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 certain
3 language on unsolicited written inquiries or mailings relating to the sale of real estate; to
4 provide for class action suits and for damages for violating the requirements for such written
5 inquiries or mailings; 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 "10-1-393.17.

13 (a) Any unsolicited written inquiry or mailing that expresses an interest in buying real
14 property from the addressee or the real property to which such written inquiry or mailing
15 is addressed or that offers services relating to the sale of real estate shall include, in at least
16 16 point Helvetica font:

17 (1) At the top of and at least two inches apart from any other text on such written inquiry
18 or mailing, the words:

19 'THIS IS A SOLICITATION. THE SENDER IS CONTACTING YOU TO INQUIRE
20 AS TO YOUR INTEREST IN SELLING YOUR HOME OR OTHER REAL ESTATE.
21 YOU ARE UNDER NO OBLIGATION TO RESPOND.'

22 No text on the solicitation shall be larger than the above required words.

23 (2) On front of the envelope or, if there is no envelope, on the part of the written inquiry
24 or mailing that bears the postage stamp or amount, the words:

25 'SOLICITATION. YOU ARE UNDER NO OBLIGATION TO OPEN OR TO
26 RESPOND.'

27 (b) Failure to comply with the provisions of this Code section shall be considered an unfair
28 or deceptive act or practice which is unlawful and shall therefore be punishable by the
29 provisions of this part; provided, however, that notwithstanding Code Section 10-1-399,
30 a claim of a violation of this Code section may be brought in a representative capacity and
31 may be the subject of a class action under Code Section 9-11-23; and provided, further, that
32 damages for such violation shall be the actual damages or \$200.00 per violation, whichever
33 is greater."

34 **SECTION 2.**

35 All laws and parts of laws in conflict with this Act are repealed.