

The Senate Committee on Judiciary offered the following substitute to HB 162:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 7 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated,
2 relating to setoff debt collection, so as to allow the Administrative Office of the Courts to
3 waive the administrative collection assistance fee; to require the Administrative Office of the
4 Courts to transfer funds owed to a court on at least a quarterly basis; to provide for related
5 matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 SECTION 1.

8 Article 7 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to
9 setoff debt collection, is amended by revising subsection (c) of Code Section 48-7-163,
10 relating to collection of debts through setoff, minimum debt, procedure, exceptions, request
11 for setoff, and administrative collection assistance fee, as follows:

12 "(c) An administrative collection assistance fee ~~shall~~ may be imposed on each ~~such~~
13 certified debt submitted by the Administrative Office of the Courts to the department to
14 recover the costs incurred by the Administrative Office of the Courts and the department
15 in collecting debts under this article; provided, however, that the Administrative Office of
16 the Courts may waive receipt of an administrative collection assistance fee. ~~The An~~
17 administrative collection assistance fee shall be in addition to the debt to be set off and
18 shall be fixed such that the proceeds of ~~the~~ such fee shall not exceed the total direct and
19 indirect costs to the Administrative Office of the Courts and the department for
20 administering such debt setoff collection. In no event shall the total amount of such fee
21 exceed \$20.00 per debt. The Administrative Office of the Courts shall reimburse the
22 department from the proceeds of such fee based upon the actual costs incurred by the
23 department. Such proceeds shall be retained and expended pursuant to Code Section
24 45-12-92.1."

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SECTION 2.

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Said article is further amended by revising subsection (d) of Code Section 48-7-164, relating to procedure for setoffs and notification of taxpayers, certification of debts, transfer of refunds to claimant agency, notice to taxpayers, transferred funds in escrow account, and costs borne by claimant agency, as follows:

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"(d) Upon receipt of funds transferred from the department pursuant to this Code section, the claimant agency or the Administrative Office of the Courts shall deposit and hold the funds in an escrow account until a final determination of the validity of the debt. Any interest accruing on proceeds in such escrow account shall not constitute any part of the setoff funds being held in escrow and shall be retained by the claimant agency ~~or~~ to cover administrative costs and may be retained by the Administrative Office of the Courts to cover administrative costs."

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SECTION 3.

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Said article is further amended by revising subsection (c) of Code Section 48-7-166, relating to final determination of debt due, transfer from escrow account to credit of debtor's account of debt due, notice of setoff, contents, refund of excess, and disbursement of funds, as follows:

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"(c) Following finalization of the setoff pursuant to subsection (b) of this Code section, on at least a quarterly basis, the Administrative Office of the Courts shall transfer the funds to the court to which the debt is owed. Any funds ~~so~~ transferred by the Administrative Office of the Courts to such court shall be disbursed by ~~the~~ such court in the same manner as if such funds had been originally collected by such court without having resorted to collection under this article."

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SECTION 4.

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