

Senate Bill 363

By: Senators Tillery of the 19th, Brass of the 28th, Mullis of the 53rd, Hatchett of the 50th, Cowsert of the 46th and others

**AS PASSED**

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 provide for class  
3 action suits and for damages for violating the requirements for solicitations for corporate  
4 filings or employment or labor related posters or notices; to provide for related matters; to  
5 repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Part 2 of Article 15 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated,  
9 relating to the "Fair Business Practices Act of 1975," is amended by revising Code  
10 Section 10-1-393.16, relating to written solicitations relative to corporate filings, a definition,  
11 and penalty for noncompliance, as follows:

12 "10-1-393.16.

13 (a) For purposes of this Code section, the term 'corporate filings' means any documents  
14 required by law to be filed with the Secretary of State pursuant to Title 14.

15 (b) Any written solicitation ~~for services~~ relating to corporate filings or employment or  
16 labor posters or notices shall include, in at least 16 point Helvetica font;

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

19 'THIS IS A SOLICITATION. THIS IS NOT A BILL OR OFFICIAL GOVERNMENT  
20 DOCUMENT AND HAS NOT BEEN SENT BY THE GEORGIA SECRETARY OF  
21 STATE'S OFFICE OR THE GEORGIA DEPARTMENT OF LABOR.'

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  
24 solicitation that bears the postage stamp or amount, the word:

25 'SOLICITATION'

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

33 **SECTION 2.**

34 All laws and parts of laws in conflict with this Act are repealed.