



2018 Legislation CBA is Tracking

A comprehensive list of weekly reporting on each bill or resolution

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Please note – any bills in red did NOT cross over this session (March 2, 2018).

Please note – any bills in purple did NOT make it out of Committee after Cross-Over day (March 30, 2018).

Thursday, March 29th, marked the 40th and final day of the 2018 Georgia Legislative Session.

HOUSE BILLS

[HB 12 – Money Transmission Transactions](#), by Rep. Jeff Jones (R), Brunswick.

It proposes to provide for imposition of certain fees upon money transmission transactions completed by financial institutions. The pre-filed bill outlines fees, provides definitions, provides rules and regulations, provides compensation to financial institutions for reporting and paying fees, and requires receipt and notice to be given with each transaction. The burden to financial institutions would be the fees generated through this bill would be paid into the state treasury with the financial institution only retaining five percent of the combined total amount of all fees reported; and, this bill would impose certain reporting requirements.

[HB 27 - Foreclosure Cure Act](#), by Rep. Billy Mitchell (D), Stone Mountain.

It will allow a debtor to cure a foreclosure up to 5 days before the sale by paying all fees, payments and interest. This is the same bill that has been proposed by Rep. Mitchell for the past several years. Two concerns: 1) if the customer is chronic and attempts this several times; and, 2) once the loan is placed on substandard, banks would be required to keep the loan downgraded until the customer makes several loan payments on time before banks could upgrade the loan.

[HB 66—Money Transmissions Transactions](#), by Rep. Jeff Jones (R), Brunswick.

This bill is an updated version of [HB 12—Money Transmissions Transactions](#) that was pre-filed on November 28, 2016. The bill proposes to provide for imposition of certain fees upon money transmission transactions completed by financial institutions. This version of the bill attempts to exempt closed loop transactions; bank, credit union, or brokerage engaging

in the business of transmitting money or monetary value from an account or on behalf of a depositor; or, transmission or transmitting money or monetary value that is only to be received or retrieved at a physical location within this state. While the bill attempts to exempt banks from the legislation, the draft only contemplates depositors of the bank and does not address non-depositors. The burden to financial institutions would be the fees generated through this bill would be paid into the state treasury with the financial institution only retaining five percent of the combined total amount of all fees reported; and, this bill would impose certain reporting requirements.

[HB 82—Personal Information; Notice Required When Data Released to Unauthorized Persons](#), by Rep. Sheri Gilligan (R), Cumming.

This bill requires an information broker or data collector to provide notice in the same manner as for a breach in security of the system when personal information maintained on individuals by such broker or data collector is released to unauthorized persons. While this bill may not impact banks directly, it is a topic of interest for protecting personal information of Georgia residents.

[HB 93—Sales and Use Tax](#), by Rep. John Corbett (R), Lake Park. The language of [SB 432—Georgia Tax Credit Business Case Act](#), by Sen. John Albers (R), Alpharetta was inserted into this bill. The bill was passed by the Senate with a vote of 49-0 on March 23rd. The House agreed to the changes made in the Senate with a vote of 163-1; however, they inserted language into the bill that would provide commercial bank data centers a tax break. The bill went back to the Senate and the Senate disagreed with the floor amendment by the House. Both the House and Senate insisted on their positions, therefore a conference committee was assigned in both chambers. The conference committee did not provide a conference committee report for adoption. As a result, the bill died.

[HB 120—Notary Public Revisions](#), by Rep. Andrew Welch (R), McDonough.

This bill is the “Revised Georgia Law on Notarial Acts of 2018” and makes significant changes to the current law governing notarial acts and notary publics. Similar bills have been presented the last several years, but did not pass. This bill would set new standards for the performance of notarial acts, upgrade the qualification requirements to receive a commission as a notary public and include requiring criminal background checks. Also it will require certain training and the passage of a test and gives the Georgia Superior Court Clerks’ Cooperative Authority the responsibility for writing rules and regulations to implement this Act and govern notary publics.

[HB 121—Trust Powers Revision](#), by Rep. Chuck Efstrotation (R), Dacula.

This bill deals with minor or unborn beneficiaries; changes provisions relating to non-judicial settlement agreements, the modification and termination of non-charitable trusts, and distribution to another trust; and changes provisions relating to modification or termination of uneconomic trusts.

3/23/18 - Was passed by the Senate with a vote of 42-1 on March 23rd.

3/16/18 - Received a motion do pass by the Senate Judiciary Committee on March 12th.

3/9/18 - Was presented to the Senate Judiciary Committee on March 7th. The Committee did not take action on the bill as the members of the Committee had questions that the author of the bill needed to address before the Committee is willing to take action on the bill.

3/2/18 - Was passed by the House with a vote of 170-4 on February 26th. It was assigned to the Senate Judiciary Committee.

2/23/18 – The bill was placed on the House Debate Calendar for Monday, February 26th.

2/9/18 - The bill received a do pass motion by substitute by the Judiciary Committee on February 7th.

[HB 122—Uniform Statutory Rule Against Perpetuities](#), by Rep. Chuck Efstrotation (R), Dacula.

This bill changes the provisions relating to the validity of non-vested property interest or power of appointment; and, changes provisions relating to reform of disposition by court to approximate transferor’s plan of distribution among other things. The bill increases the vesting or termination from 90 years to 360 years after its creation.

[HB 162—Setoff Debt Collection](#), by Rep. Betty Price (R), Roswell.

This bill would revise procedures for the transfer of setoffs by the Administrative Office of the Courts to the court to whom the debt is owed.

3/9/18 - Was passed by the Senate with a vote of 53-0 on March 5th. Since the bill was amended in the Senate, the House must now agree to the changes that were made in the Senate before going to the Governor for signature.

2/2/18 - The bill received a do pass motion by substitute by the Judiciary Committee on January 31st.

1/12/18 - Senate recommitted the bill to the Judiciary committee on January 8th.

[HB 185—Probate Court](#), by Rep. Christian Coomer (R), Cartersville.

The bill requires the Judicial Council of Georgia to create an Office of Business Cases in order to evaluate data for use with the state-wide business court; to create the Georgia Council on the State-Wide Business Court; to provide for its purpose, membership, chairperson, staff support, funding, meetings, quorum, duties, and powers; to provide for a sunset; to provide for related matters; to repeal conflicting laws; and for other purposes.

3/30/18 - Was placed on the Senate Rules Calendar for Tuesday, March 27th; however, the bill was tabled. The Senate did not take any further action on the bill. As a result, the bill died.

3/23/18 - This a “zombie” bill that was used as a vehicle for legislation in the Senate Judiciary Committee on March 22nd. The entire bill was gutted and language was inserted to establish the framework for a state-wide business court. This bill is

the enabling legislation for [HR 993—Business Courts](#), by Rep. Chuck Efstrotation, (R), Dacula. The bill received a motion do pass by substitute from the Senate Judiciary Committee on March 22nd.

[HB 190—Marriages](#), by Rep. Meagan Hanson (R), Brookhaven.

This bill would change provisions relating to marriage articles and clarify provisions relating to antenuptial agreements among other things.

3/30/18 - Was placed on the Senate Rules Calendar for Tuesday, March 27th. The bill was passed by the Senate with a vote of 53-0 on March 27th. The House agreed to the changes made in the Senate with a vote of 165-0. The bill now goes to the Governor for signature.

3/16/18 - Received a motion do pass by the Senate Judiciary Committee on March 14th.

2/16/18 – Was passed by the House with a vote of 171-0 on February 14th. The Senate assigned the bill to the Judiciary Committee.

1/26/18 - The bill received a do pass motion by the Judiciary Committee on January 24th.

[HB 203—Condominiums](#), by Rep. Brian Strickland (R), McDonough.

This bill relates to limitations of actions relative to breach of restrictive covenant so as to provide for accrual periods of rights of action; relates to property, so as to provide for the expansion of a condominium after the declarant's right to expand has expired and provide for procedures for such expansion; provides for the procedure and right of certain property owners to take control of a condominium association, property owner's association, or entity created pursuant to covenants restricting land to certain uses affecting certain planned subdivisions.

1/12/18 - Senate recommitted the bill to the Judiciary committee on January 8th.

[HB 204—Ad Valorem Taxation](#), by Rep. Brett Harrell (R), Snellville.

This bill provides that property tax bills shall not include any nontax related fees or assessments.

1/12/18 - Senate recommitted the bill to the Finance committee on January 8th.

[HB 327—Alternative Ad Valorem Tax on Motor Vehicles](#), by Rep. Shaw Blackmon (R), Bonaire.

This bill would change the manner for determining fair market value of motor vehicles subject to the tax; provides for the fair market value determination of kit cars; provide for fees of the tag agent; and for other purposes.

3/30/18 - Was placed on the Senate Rules Calendar for Tuesday, March 27th; however, the bill was tabled. The Senate did not take any further action on the bill. The language from this bill was inserted into [HB 329—Income Tax](#), by Rep. Jay Powell (R), Camilla. HB 329 went to a conference committee on March 29th since neither the House nor the Senate could agree on the final version. The conference committee was adopted by both the House and the Senate. The bill now goes to the Governor for signature.

3/23/18 - Received a motion do pass by substitute by the Senate Finance Committee on March 21st. The committee removed the language on how used cars are valued. The substitute bill reverts back to how used cars are valued under existing laws. In addition, the substitute alters how the percentage of funds are distributed to local governments.

2/23/18 – The bill was passed by the House with a vote of 125-41 on February 21st. The bill was assigned to the Finance Committee.

2/9/18 - The bill received a do pass motion by substitute by the Ways & Means Committee on February 8th.

[HB 353—Title Pawn](#), by Rep. Brett Harrell (R), Snellville.

This bill relates to pawnbrokers and liens by pawnbrokers, factors, bailees, acceptors, and depositories, respectively, so as to provide for fixed term pawn transactions for loans involving the pledge of a motor vehicle or a motor vehicle certificate of title as security; provides for procedures, conditions, and limitations for such pawn transactions; to provide for permitted charges, term length, and prepayment of such pawn transactions; provides for grace periods; and for other purposes.

[HB 357—Georgia Uniform Certificate of Title for Vessels Act](#), by Rep. Ron Stephens (R), Savannah.

This bill provides for titling of certain vessels; provide for procedures with regard to titling such vessels; provide for a cap on the sales and use tax on the purchase or lease of a vessel; and for other purposes.

3/30/18 - Was placed on the Senate Rules Calendar for Tuesday, March 27th. The bill was passed by the Senate with a vote of 46-3. The House did not take action to agree or disagree to the changes made in the Senate. As a result, the bill died.

3/16/18 - Received a motion do pass by substitute by the Senate Finance Committee on March 14th.

1/12/18 - Senate recommitted the bill to the Finance committee on January 8th.

[HB 381—Abandoned Mobile Home Act](#), by Rep. John Corbett (R), Lake Park.

This bill enacts a new article to provide for the classification of abandoned mobile homes as derelict or intact for purposes of disposal or creation of liens; provides for procedure for requesting classification of an abandoned mobile home as intact or derelict; provides for creation of a lien on abandoned mobile homes deemed to be intact; provides the opportunity for a hearing to confirm classification as a derelict abandoned mobile home; provides for court authority to order the disposal of

abandoned mobile homes found to be derelict; provides for the voluntary discharge of a tax lien upon a derelict mobile home by the state or a local governing authority; and for other purposes.

3/30/18 - The House agreed with changes made in the Senate with a vote of 164-0 on March 29th. The bill now goes to the Governor for signature.

3/23/18 - Was passed by the Senate with a vote of 53-0 on March 19th. Since the bill was amended in the Senate, the House must now agree to the changes made in the Senate before going to the Governor for signature.

3/16/18 - Received a motion do pass by substitute by the Senate Judiciary Committee on March 12th. The bill has been placed on the Senate Rules Calendar for Monday, March 19th.

3/9/18 - Was presented to the Senate Judiciary Committee on March 5th. The Committee did not take action on the bill as members of the Committee had questions that the author of the bill needed to address before the Committee is willing to take action on the bill. The author of the bill will be working with Senators William T. Ligon, Jr. (R), Brunswick, and Brian Strickland (R), McDonough, on amendments to the bill.

2/23/18 – The bill was assigned to the Senate Judiciary Committee.

2/16/18 – The bill was passed by the House with a vote of 164-0 on February 15th.

2/9/18 - The bill received a do pass motion by substitute by the Judiciary Committee on February 8th.

[HB 410--Estoppel Letters](#), by Rep. Alan Powell (R), Hartwell.

This bill would provide for limits on certain fees imposed on purchasers of condominiums and lots in a property owners' association; provide for fees for statements of amounts owing to a property owners' association; provide for fees for providing such statements; provide for expedited fees; and for other purposes.

3/23/18 - Received a motion do pass by substitute by the Senate Judiciary Committee on March 21st. An amendment was made in the Senate Judiciary Committee that changed the amount that can be charged for a statement of account from \$250 as passed by the House to \$100 in the current version of the bill. The bill has been placed on the Senate Rules Calendar for Friday, March 23rd.

3/30/18 - Was passed by the Senate with a vote of 45-5 on March 23rd. The House agreed to the changes made in the Senate with a vote of 155-3 on March 29th. The bill now goes to the Governor for signature.

3/16/18 - Was heard by the Senate Judiciary Committee on March 14th. No action was taken on the bill by the Committee.

3/2/18 - Was passed by the House with a vote of 153-18 on February 28th. It was assigned to the Senate Judiciary Committee.

2/16/18 – The House Judiciary Committee gave a do pass motion to this bill on February 15th.

2/9/18 - The bill was heard in the Judiciary Committee on February 8th. Several substitutes have been circulated throughout the week by various lobbying parties. The substitute bill presented by Chairman Wendell Willard was tabled as the bill did not address condominium associations. The bill was intended to include property owners' associations as well as condominium associations.

[HB 417—Abandoned Motor Vehicles](#), by Rep. Wendell Willard (R), Sandy Springs.

This bill would provide for duties for a person removing or storing a motor vehicle or trailer; provide for the sending of notices by the Department of Revenue or authorized entities to owners of abandoned motor vehicles or trailers prior to foreclosure of a lien; provide for the creation of a lien; provide for a foreclosure process; and for other purposes.

[HB 441—Self-Settled Spendthrift Trusts](#), by Rep. Barry Fleming (R), Harlem.

This bill would establish qualified self-settled spendthrift trusts; provide for exceptions for spendthrift provisions of trusts which are not within qualified self-settled spendthrift trusts; provide for claims by creditors for such trusts; provide for the creation of such trusts; provide for transfers for such trusts; provide for vacancies of trustees; provide for standards for such trusts to be considered nonrevocable; provide for beneficiary rights to withdrawal; provide for claims of relief; and for other purposes.

3/30/18 - Last week, we incorrectly reported that the House adopted the changes made in the Senate and the bill was going to the Governor for signature. The House actually agreed to the changes, but also made a floor amendment to the bill. Therefore, the Senate was required to take action. The Senate agreed to the changes made in the floor amendment by the House with a vote of 43-6 on March 29th. The bill now goes to the Governor for signature.

3/23/18 - On March 21st, the House agreed with a vote of 103-56 to the Senate substitute for the bill. The bill will now go to the Governor for signature.

3/16/18 - Was amended on the Senate floor on March 12th. The bill passed as a substitute by the Senate with a vote of 41-11 on March 12th. Since the bill was amended in the Senate, the House must now agree to the changes made in the Senate before going to the Governor for signature.

3/2/18 - Received a do pass motion by substitute by the Banking and Financial Institutions Committee on February 27th.

[HB 456—Acquisition and Loss of Property](#), by Rep. Debra Bazemore (D), Riverdale.

This bill would provide for requirements for the execution of executory contracts for the conveyance of real property; provide for notice requirements to the purchaser; provide for a period of cancellation and rescission; provide for requirements for the enforcement of remedies of defaults under executory contracts for the conveyance of real property; and for other purposes.

[HB 459—Illegal and Void Contracts](#), by Rep. Sam Teasley (R), Marietta.

This bill would provide for clauses which are void and unenforceable in contracts for the sale of residential real estate; and for other purposes.

[HB 488—Discrimination in Housing, Public Accommodations, and Employment](#), by Rep. Stacey Evans (D), Smyrna.

This bill would prohibit discrimination in housing; protect the right to equal enjoyment of and privileges to public accommodations; prohibit discrimination in private and public employment; and for other purposes.

[HB 499—Georgia Personal Data Security Act](#), by Rep. Sheri Gilligan (R), Cumming.

This bill would improve systems and procedures for providing and regulating notifications of data breaches affecting Georgia residents; modify when notices of certain security breaches are required and to provide for the content of such notices; require certain entities to maintain certain data security procedures; require that certain notices of a data breach be sent to certain officials of this state; provide for enforcement by the Attorney General; and for other purposes.

[HB 523—Industrial Loans](#), by Rep. Brian Strickland (R), McDonough.

This bill would prohibit the issuance of a license to issue industrial loans within a certain distance from a military base or installation; require certain disclosures related to insurance premiums on industrial loans in certain instances; prohibit persons engaged in the business of making industrial loans from issuing payment instruments which create a loan contract upon redemption, unless a previous contract has been entered into between the two parties; and for other purposes.

[HB 661—Tax Liens](#), by Rep. Bruce Williamson (R), Monroe.

This bill relates to courts, property, and revenue and taxation, respectively, so as to revise provisions relating to the transmittal, filing, recording, access to, and territorial effect of tax liens issued by the Department of Revenue; to provide for electronic record keeping relating to the filing and public access to state tax liens; to provide for duties and responsibilities of the Georgia Superior Court Clerks' Cooperative Authority; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes. The purpose of this bill is to correct issues that were discovered in [HB 337](#), which was signed by Governor Deal on May 9, 2017. The issues in HB 337 would have been problematic for banks. (See next page for weekly updates on this bill.)

2/9/18 – The bill was passed by the Senate with a vote of 55-0 on February 5th.

2/2/18 – The bill was passed by the House with a vote of 170-0 on January 29th and immediately transmitted to the Senate. The Senate assigned the bill to the Finance Committee.

1/12/18 - This bill was passed by the House Ways and Means Committee on January 10th. We will continue to track its progression.

[HB 676–Property](#), by Rep. Paulette Rakestraw (R), Hiram.

This bill relates to mortgages, conveyances to secure debt, and liens, in general, so as to provide protections for military service members in the event of foreclosures or other proceedings to enforce secured obligations; to define a term; to provide for applicability; to provide for related matters; to repeal conflicting laws; and for other purposes.

2/23/18 – The bill received a do pass motion by substitute by the Banks & Banking Committee on February 22nd.

2/9/18 – The bill was heard by the House Banks & Banking Committee on February 6th. Concerns with the bill as written have been expressed to the author as the bill does not match up with the federal requirements on the same subject. Rep. Rakestraw is working with Legislative Counsel to provide new language for review.

1/19/18 - The bill was assigned to the Banks & Banking Committee. We will monitor this bill throughout the session.

[HB 689–Funeral Expenses](#), by Rep. Rick Williams (R), Milledgeville.

This bill relates to deposits of deceased depositors, so as to change certain provisions authorizing sums held for a deceased intestate resident's application in payment of the funeral expenses and expenses of the last illness of such deceased depositor; to amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to authorize life insurance proceeds for a deceased intestate insured application in payment of the funeral expenses of such deceased insured; to provide for group life insurance policy provision for a maximum sum for incurred funeral and other expenses where there is no designated beneficiary; to provide for related matters; to repeal conflicting laws; and for other purposes.

2/23/18 – The bill received a do pass motion by substitute by the Insurance Committee on February 21st. In the Rules Committee meeting on February 23rd, the bill was recommitted to the Insurance Committee.

1/26/18 - The bill was assigned to the Insurance Committee. We will monitor this bill throughout the session.

[HB 729—Ad Valorem Taxes](#), by Rep. Brett Harrell (R), Snellville.

This bill relates to general provisions regarding ad valorem taxation of property, so as to repeal certain provisions relating to state ad valorem tax; to provide for related matters; to repeal conflicting laws; and for other purposes.

3/30/18 - Was placed on the Senate Rules Calendar for Tuesday, March 27th; however, the bill was tabled. The bill was taken from the table and the bill was passed by the Senate with a vote of 51-0 on March 29th. The House agreed to the changes made in the Senate with a vote of 163-0. The bill now goes to the Governor for signature.

3/9/18 - The bill was passed by the House with a vote of 172-0 on February 6th. The bill was assigned to the Senate Finance Committee. The bill was presented to the Senate Finance Committee on March 7th. In the Senate Finance Committee, the bill was amended to include language on intangible taxes on extension, transfer, assignments, modification, or renewal of certain instruments. The bill states that the tax required shall be due on any portion of any instrument which is an additional

advance of indebtedness secured by a previously recorded instrument, without regard to whether the original security instrument has been assigned.

[HB 745–Landlord and Tenant](#), by Rep. Scott Holcomb (D), Atlanta, relates to general provisions concerning landlord and tenant, so as to provide for the termination of a residential rental agreement under circumstances involving family violence; to provide for definitions; to provide for notice and terms of termination; to provide for applicability; to provide for related matters; to repeal conflicting laws; and for other purposes.

2/16/18 – The House Judiciary Committee gave a do pass motion to this bill on February 15th.

2/2/18 - We will monitor this bill throughout the session.

[HB 748–Community Association Transparency and Protection Act](#), by Rep. William Boddie (D), East Point, relates to regulation of specialized land transactions, so as to provide for protections for homeowners, condominium owners, and property owners in community associations; to provide for a short title; to provide for definitions; to require declarants, developers, or other establishing entities to provide for budgets and reserve account funding for maintenance of community amenities; to implement requirements and procedures for turnover and transition from declarants, developers, or other establishing entities to property owners comprising the community association; to provide for civil causes of action for violations; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

2/16/18 - Was withdrawn from the Judiciary Committee and recommitted to the Regulated Industries Committee on February 5th.

2/2/18 - We will monitor this bill throughout the session.

[HB 773—Motor Vehicles](#), by Rep. Alan Powell (R), Hartwell, relates to abandoned motor vehicles, so as to revise the times for which a motor vehicle or trailer becomes an abandoned motor vehicle; to revise requirements for the identification of removed or stored motor vehicles; to revise and provide for notice requirements; to revise requirements for the process of selling abandoned motor vehicles that have acquired a lien; to provide for a lien foreclosure process through the Department of Revenue for the sale of abandoned motor vehicles that have acquired a lien where no petition for a judicial hearing is filed; to revise requirements for the determination and disposition of derelict motor vehicles; to provide for related matters; to repeal conflicting laws; and for other purposes.

2/9/18 - The bill was assigned to the Motor Vehicles Committee. We will monitor this bill throughout the session.

[HB 775—Professions and Businesses](#), by Rep. Alan Powell (R), Hartwell, relates to real estate appraisers, so as to change certain provisions relating to real estate management companies; to revise and provide for definitions; to provide

requirements for the establishment and maintenance of a real estate appraisal management company; to authorize the Georgia Real Estate Appraisers Board to establish certain rules and regulations for appraisal management companies and to collect and remit certain fees; to authorize the board to take disciplinary action against appraisal management companies; to revise certain requirements relating to the board's authority to investigate certain violations; to provide for related matters; to repeal conflicting laws; and for other purposes. The bill was assigned to the Regulated Industries Committee.

3/30/18 - Was placed on the Senate Rules Calendar for Tuesday, March 27th; however, the bill was tabled. The Senate did not take any further action on the bill. As a result, the bill died.

3/9/18 - Received a do pass motion by the Senate Regulated Industries and Utilities Committee on March 6th.

3/2/18 - Was passed by the House with a vote of 172-0 on February 28th. The bill was assigned to the Senate Regulated Industries and Utilities Committee.

2/23/18 – the bill received a do pass motion by substitute by the Regulated Industries Committee on February 21st.

2/9/18 - We will monitor this bill throughout the session.

[HB 780–Financial Institutions](#), by Rep. Bruce Williamson (R), Monroe, relates to financial institutions, so as to provide for numerous changes to provisions applicable to the Department of Banking and Finance and financial institutions generally, banks and trust companies, credit unions, licensed sellers of payment instruments, those licensed to cash payment instruments, and mortgage lenders and mortgage brokers; to provide for power of the commissioner to issue orders relative to state chartered financial institutions to exercise rights and powers authorized by federal law but not authorized under state law; to provide for related matters; to repeal conflicting laws; and for other purposes.

3/30/18 - The House has agreed to the substitute by the Senate on March 29th with a vote of 164-0. The bill will now go to the Governor for signature.

The Department's Housekeeping bill contains proposed legislative changes identified internally or suggested by the industry over the course of the previous year. Most of the proposed revisions for banks are relatively straight-forward as they either align certain standards regarding governance of these financial institutions with the corporate or non-profit corporation code or seek to align some of the currently existing standards between banks and credit unions. The majority of state-chartered banks have a holding company and there are a number of incredibly legitimate business reasons to form a holding company. However, the creation of a holding company does bring into the fold additional costs as well as an additional federal regulator – the Federal Reserve – for most of our institutions. By aligning certain corporate governance provisions, the Department hopes to remove any provisions that would artificially encourage the formation of a holding company.

The bill also creates an alternative parity power for individual institutions. Under current law, the Commissioner has the ability to issue a parity determination. If a national bank has the power to engage in an activity that our state-chartered banks cannot engage in, then, so long as the activity is safe and sound, the Commissioner has the ability to declare parity and permit state-chartered banks to engage in the same activity as permitted for federally chartered institutions. Quite simply, a parity determination gives the Commissioner the ability to level the playing field between Georgia state-chartered institutions and federal chartered institutions. The parity power in the bill contemplates parity being available on an individual institution basis. The language provides that state-chartered banks are authorized to exercise any power available to federally chartered entities subject to two limitations. First, the state chartered institution must provide the Department written notice of its intent to exercise the federal power. Second, after receiving the notice and related information, the Department will have a certain number of days to object to the exercise of the federal power either because it is unsafe or unsound or does not align with the purposes of the Financial Institution Code. In addition, the language authorizes the Department to approve the use of a federal power subject to limitations imposed by the Department. This provision will permit individual institutions to have parity subject to the Department not objecting to the exercise of the power.

3/23/18 - Was passed by the Senate with a vote of 51-0 on March 21st. Since the bill was amended in the Senate, the House must now agree to the changes made in the Senate before going to the Governor for signature.

3/16/18 - Was presented to the Senate Banking & Financial Institutions Committee on March 13th. Amendments were made to the parity provisions to address concerns voiced by Georgia Watch and the Georgia Trial Lawyers Association. The bill received a do pass motion by substitute by the Senate Banking & Financial Institutions on March 13th.

3/9/18 - Was heard by the Senate Banking & Financial Institutions Committee on March 6th. Concerns with the parity provisions outlined within the bill were voiced by Georgia Watch and the Georgia Trial Lawyers Association. A motion to table the bill was made so that the author of the bill and the Department of Banking and Finance can work with these two groups to come up with language that may be acceptable to all parties. Chairman William T. Ligon, Jr. committed to having another meeting next week to vote on this bill.

2/23/18 – The bill was passed by the House with a vote of 169-0 on February 20th. It was assigned to the Senate Banking & Financial Institutions Committee.

2/16/18 – The House Banks & Banking Committee gave a do pass motion by substitute on February 13th. The only change made by the Committee was to correct a reference to a Federal Code Section on lines 81 and 89. The Rules Committee voted on Thursday to place HB 780 on the calendar for a floor vote on Day 22 of the session.

2/9/18 – The bill was heard by the House Banks & Banking Committee on February 6th.

2/2/18 - This is the Department's Housekeeping bill for this year. We will monitor this bill throughout the session.

[HB 818—Insurance](#), by Rep. Lee Hawkins (R), Gainesville, relates to insurance generally, so as to provide that a health care provider shall choose the method by which such provider shall be reimbursed by an insurer for health care services performed; to provide for definitions; to provide disclosure requirements for insurers; to provide enforcement powers for violations; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

3/30/18 - Was placed on the Senate Rules Calendar for Tuesday, March 27th. The bill was passed by the Senate with a vote of 49-0. The bill will now go to the Governor for signature.

3/16/18 - Received a do pass motion by the Senate Insurance and Labor Committee on March 12th.

3/2/18 - Was passed by the House with a vote of 168-0 on February 28th. It was assigned to the Senate Insurance and Labor Committee.

2/23/18 – The bill was placed on the House Debate Calendar for February 23rd. A motion to recommit the bill to the Insurance Committee was passed by the House.

2/16/18 - Was noted in last week's legislative update as a bill that causes CBA concerns in that it may unintentionally impact fees and charges related to products that banks offer. The author of the bill has worked with CBA and other interested parties to remove the language that was causing concerns. As currently drafted, the CBA has no objection to the bill.

2/9/18 - While the bill is not intended to impact banks directly, the bill as written causes concerns in that it may unintentionally impact fees and charges related to products that banks offer.

[HB 826—Law Enforcement](#), by Rep. Geoff Cauble (R), Stockbridge.

This bill relates to general provisions regarding law enforcement officers and agencies, so as to provide that an alarm monitoring company may contract out the requirement of attempting to verify an alarm prior to requesting law enforcement to be dispatched to the location of the alarm; to provide for related matters; to repeal conflicting laws; and for other purposes.

3/2/18 - The bill was assigned to the Regulated Industries Committee. It was passed by the House with a vote of 167-0 on February 22nd. The bill has been assigned to the Senate Public Safety Committee. We will continue to monitor this bill throughout the session.

[HB 834—Landlord and Tenant](#), by Rep. Mandi Ballinger (R), Canton, relates to general provisions concerning landlord and tenant, so as to provide for the termination of a rental or lease agreement for residential real estate under circumstances involving family violence; to provide for definitions; to provide for notice and terms of termination; to provide for applicability; to provide for related matters; to repeal conflicting laws; and for other purposes.

3/30/18 - Was on the Senate Rules Calendar for Friday, March 23rd; however, the Senate did not take up this bill. The bill was re-scheduled on the Senate Rules Calendar for Tuesday, March 27th. The bill was passed by the Senate with a vote of 54-0. The House agreed to the changes made in the Senate with a vote of 166-0 on March 29th. The bill now goes to the Governor for signature.

3/23/18 - Has been placed on the Senate Rules Calendar for Friday, March 23rd.

3/16/18 - Received a do pass motion by substitute by the Senate Judiciary Committee on March 14th.

3/2/18 - Was passed by the House with a vote of 166-0 on February 28th. It was assigned to the Senate Judiciary Committee.

2/23/18 – The bill received a do pass motion by substitute by the Judiciary Committee on February 22nd.

2/9/18 - The bill was assigned to the Judiciary Committee. The content of this bill appears to mirror the language in [HB 745](#) introduced by Rep. Scott Holcomb. We will monitor this bill throughout the session.

[HB 866—Commerce and Trade](#), by Rep. Scot Turner (R), Holly Springs, relates to identity theft, so as to prohibit consumer credit reporting agencies from charging a fee for placing or removing a security freeze on a consumer's account; to repeal conflicting laws; and for other purposes.

3/16/18 - Received a do pass motion by the Senate Banking & Financial Institutions Committee on March 13th.

3/2/18 - Was passed by the House with a vote of 168-1 on February 26th. The bill was assigned to the Senate Banking and Financial Institutions Committee.

2/23/18 – The bill received a do pass motion by the Banks & Banking Committee on February 21st. It has been selected by the Rules Committee for the House Debate Calendar on Monday, February 26th.

2/9/18 - The bill was assigned to the Banks & Banking Committee. We will monitor this bill throughout the session.

[HB 897—Georgia Power of Attorney Act](#), by Rep. Chuck Efstration (R), Dacula.

This bill relates to the "Uniform Power of Attorney Act," so as to revise the short title; to provide for definitions; to change provisions relating to the application of Chapter 6 of this title; to update cross-references to federal law; to provide for related matters; to repeal conflicting laws; and for other purposes. This bill includes housekeeping changes to [HB 221—Powers of Attorney](#) that became effective on July 1, 2017.

3/30/18 - The Georgia Power of Attorney bill is a follow-up to last year's bill, which significantly restructured the laws governing Powers of Attorney in Georgia. HB 897 is mostly intended to make minor revisions to last year's bill for the

purposes of clarification and minor clean up. However, HB 897 provides relief to community banks in two key ways. First, HB 897 offers clarification regarding an Agents' authority with respect to joint accounts, certain trust accounts, and accounts with POD beneficiaries. Second, and most importantly, HB 897 alleviates an issue under last year's law where banks were not able to limit the risks associated with Powers of Attorney executed prior to July 1, 2017 in the same manner that they could for Powers of Attorney executed on or after this date. HB 897 extends the provisions allowing a bank to request and rely upon an opinion letter and agent certification when processing a Power of Attorney to all Powers of Attorney, regardless of the date of execution, provided that such Powers of Attorney are attested to by a notary public, or other similar officer. Once HB 897 is signed by the Governor, banks will be better-able to implement a single process for reviewing and accepting Powers of Attorney.

3/23/18 - Was passed by the Senate with a vote of 53-0 on March 19th. The bill will now go to the Governor for signature.

3/16/18 - Has been placed on the Senate Rules Calendar for Monday, March 19th.

3/9/18 - Received a do pass motion by the Senate Judiciary Committee on March 7th.

3/2/18 - Was passed by the House with a vote of 169-0 on February 28th. The bill was assigned to the Senate Judiciary Committee.

2/16/18 - The bill received a do pass motion by the Judiciary Committee on February 15th. We will continue to monitor this bill throughout the session.

[HB 902–Georgia Small Consumer Finance Loan Act](#), by Rep. Earl Ehrhart (R), Powder Springs.

This bill relates to banking and finance, so as to transfer duties, powers, responsibilities, and other authority relative to industrial loans from the Industrial Loan Commissioner to the Department of Banking and Finance; to amend the Official Code of Georgia Annotated so as to conform cross-references; to provide for related matters; to repeal conflicting laws; and for other purposes.

3/30/18 - While CBA did not oppose the bill, many parties did. The one issue that we focused on with members of the House Banks and Banking Committee was making sure the Department received designated funds if this transfer were to occur.

2/23/18 – The bill was heard by the House Banks & Banking Committee on February 22nd. A vote on the bill was not taken at that time.

2/16/18 - The bill was assigned to the Banks & Banking Committee. We will continue to monitor this bill throughout the session.

[HB 938–Insurance](#), by Rep. Darlene Taylor (R), Thomasville.

This bill relates to limited licenses, so as to provide for a limited credit insurance agency license; to provide for requirements; to provide for application to the Commissioner; to provide for penalties; to provide for a decision appeal; to provide for license renewal; to provide for related matters; to repeal conflicting laws; and for other purposes.

3/30/18 – Was passed by the Senate with a vote of 50-1 on March 27th. The bill will now go to the Governor for signature. This bill states that in lieu of individuals obtaining a limited credit life insurance license that any business entity may make an application with the Commissioner at Department of Insurance subject to the following conditions:

- The entity examines the character and fitness of each of its employees that sells credit life insurance, including performing a criminal background checks;
- The entity provides at least five hours of training in minimum basic insurance concepts and credit insurance;
- The entity provides at least two hours of annual continuing education courses taught by such entity or an insurer to its employees;
- The entity provides a list of employees who sell, solicits, or negotiate credit insurance; and,
- The entity provides a list of all physical locations where its employees sells, solicits, or negotiates credit insurance on its behalf.

Banks are reminded that the liability for violating any of these provisions shifts from the employee to the employer. Any revocations, suspensions, or probationary requirements may be issued on the Bank itself, not the individual employee.

3/9/18 - Received a do pass motion by the Senate Insurance and Labor Committee on March 7th.

3/2/18 - Was passed by the House with a vote of 167-5 on February 28th. The bill was assigned to the Senate Insurance and Labor Committee.

2/23/18 – The bill received a do pass motion by the Insurance Committee on February 23rd.

2/16/18 - The bill was assigned to the Insurance Committee. We will continue to monitor this bill throughout the session.

[HB 987–Building and Housing](#), by Rep. Sam Park (D), Lawrenceville.

This is a bill to be entitled an Act to provide comprehensive state civil rights law protecting individuals from discrimination in housing, public accommodations, and employment; to amend Article 4 of Chapter 3 of Title 8 of the O.C.G.A., relating to fair housing, so as to prohibit discrimination in housing; to amend Title 10 of the O.C.G.A., relating to commerce and trade, so as to protect the right to equal enjoyment of and privileges to public accommodations; to amend Chapter 1 of Title 34 and Title 45 of the O.C.G.A., relating to labor and industrial relations generally and public officers and employees, respectively, so as to prohibit discrimination in private and public employment; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

3/2/18 - The bill was assigned to the Judiciary Committee. The bill did not crossover this session.

[HB 998–Judicial Council](#), by Rep. Wendell Willard, (R), Sandy Springs.

This bill is relating to general provisions regarding courts, so as to establish within the Judicial Council the Office of Business Cases; to provide for the referral and acceptance of cases into such office from the superior and state courts; to provide for the appointment of special masters; to provide for rules and regulations of the Judicial Council in the administration and operation of the office; to provide for a fee; to provide for related matters; to repeal conflicting laws; and for other purposes.

3/2/18 - The bill was assigned to the Judiciary Committee. This is the companion bill to [HR 993–Business Courts](#). The bill did not crossover this session.

[HB 1036–Fulton County; Superior Court](#), by Rep. Chuck Martin, (R), Alpharetta.

This bill will provide for the clerk of the Superior Court of Fulton County to require that tax parcel identification number information be included on documents recorded in the real property records of said clerk; to provide for related matters; to repeal conflicting laws; and for other purposes.

3/30/18 - The House agreed to the Senate substitute for the bill with a vote of 152-0 on March 27th. The substitute language was added to the bill as part of our discussions with the author on concerns focusing on potential title insurance issues if the tax parcel identification number were incorrect or missing from the document. The author of the bill worked with us to change the language within the bill to mitigate our concerns from a title insurance standpoint. The bill will now go to the Governor for signature. If signed by the Governor, then banks would need to update their procedures for real estate documents filed in Fulton County.

3/16/18 - Was passed by the House with a vote of 156-0 on March 14th. We held discussions with the author of the bill just prior to the vote in the House expressing our concerns with the bill. The bill would only apply to Fulton County. We believe this issue needs to be addressed at the state level and not at the local level so that there is a consistent process for all counties within Georgia. Concerns were also raised about potential title insurance issues if the tax parcel identification number were incorrect or missing from the document. The author of the bill worked with us to change the language within the bill to mitigate our concerns from a title insurance standpoint. The bill will now be presented to the Senate as a substitute bill. We appreciate the author's willingness to address our concerns. We will continue to monitor this bill.

3/23/18 - Has been placed on the Senate Local Consent Calendar for March 23rd. The Senate adopted the Consent Calendar. Since the bill was amended in the Senate, the House must now agree to the changes made in the Senate before going to the Governor for signature.

3/9/18 - While crossover day has come and gone, this bill is a local bill and does not apply to the same rules and can still be voted on by the House.

HOUSE RESOLUTIONS

[HR 626—House Study Committee on Property Owners’ Associations, Homeowners’ Associations and Condominium Associations](#), by Rep. Sam Teasley (R), Marietta.

This resolution would create a study committee to undertake a study of the conditions, needs, issues, and problems with the impositions of what many believe to be excessive fees for property transfers, certification letters, initiation fees, and similar actions by owners subject to such associations; and these associations also impose fines for violations of the associations’ rules for which the owners have little to no due process provided and an inability to appeal such fines.

[HR 993—Business Courts](#), by Rep. Chuck Efstration, (R), Dacula.

(See also [HB 998—Judicial Council](#), by Rep. Wendell Willard, (R), Sandy Springs.)

This is a resolution proposing an amendment to the Constitution so as to create a business court with state-wide jurisdiction; to provide for venue and uniformity of jurisdiction and powers; to provide for selection, terms, and qualifications of business court judges; to provide for the submission of this amendment for ratification or rejection; to provide for related matters; and for other purposes.

3/30/18 - Has been placed on the Senate Rules Calendar for Tuesday, March 27th; however, the resolution was tabled. The resolution was taken from the table and the resolution was passed by the Senate with a vote of 46-7 on March 29th. The House agreed to the changes made in the Senate with a vote of 120-52 on March 29th. Now, it will be up to the people of Georgia to determine via Constitutional Amendment as to whether or not Georgia needs a Business Court.

3/23/18 - received a motion do pass by substitute by the Senate Judiciary Committee on March 22nd. Since this Resolution is for a constitutional amendment, a 2/3rd vote in the Senate will be required if this bill is placed on the Senate Rules Calendar. The enabling legislation for this bill is outlined in [HB 185—Probate Court](#), by Rep. Christian Coomer (R), Cartersville.

3/16/18 - Was presented to the Senate Judiciary Committee on March 12th. No action was taken on the bill at the Committee meeting.

3/2/18 - The resolution was assigned to the Judiciary Committee. It was passed by the House with a vote of 142-25 on February 28th. We will continue to monitor this resolution throughout the session.

[HR 1317—House Study Committee on Reforming Real Property Taxation](#), by Rep. Andrew Welch, (R), McDonough.

This resolution creates a House Study Committee on Reforming Real Property Taxation; and for other purposes.

3/30/18 - Was passed by the House with a vote of 168-1 on March 27th.

3/9/18 - Received a do pass motion by the House Ways & Means Committee on March 8th.

3/2/18 - The Resolution was assigned to the Ways and Means Committee. We will continue to monitor the activity of the Committee.

[HR 1319—House Study Committee on Expanding Georgia Law Prohibiting Discriminatory Wage Practices](#), by Rep. Deborah Gonzalez, (D), Athens.

This resolution creates a House Study Committee on Expanding Georgia Law Prohibiting Discriminatory Wage Practices Based on Sex to Include Discriminatory Wage Practices Based on Race; and for other purposes.

3/2/18 - The Resolution was assigned to the Industry and Labor Committee. We will continue to monitor the activity of the Committee.

[HR 1374—House Study Committee on Professional Licensing Boards Operations and Funding](#), by Rep. Brett Harrell, (R), Snellville.

This is a resolution creating the House Study Committee on Professional Licensing Boards Operations and Funding; and for other purposes.

3/23/18 - Was passed by the House with a vote of 165-1 on March 21st.

3/16/18 - Received a do pass motion by the House Special Rules Committee on March 15th.

3/9/18 - The Resolution was assigned to the Special Rules Committee.

[HR 1613—Federal Government](#), by Rep. Sheri Gilligan (R), Cumming.

This is a Resolution urging the federal government to address the issue of data security breaches and enact a uniform national data breach law; and for other purposes.

SENATE BILLS

[SB 2—The FAST Act – Fairness, Accountability, Simplification, and Transparency – Empowering Our Small Businesses to Succeed](#), by Sen. Mike Dugan (R), Carrollton.

This bill requires all state and local regulatory agencies to establish easily accessible schedules that set out the fees and mandatory turnaround times for permits needed to start or operate a business. If a government agency fails to meet the posted schedule to approve or deny a permit, the fee will be reduced by 10 percent for every 10 days that the deadline goes unmet. The bill creates a new “Building and Infrastructure Transparency Score” for every local government agency in Georgia. The scores will be publicly available.

3/23/18 - The Senate voted on March 14th to disagree with the House substitute for the bill. On March 21st, the House insisted on their position with the bill. A conference committee will be assigned to see if a final resolution can be agreed to by all parties.

3/16/18 - The Senate voted on March 14th to disagree with the House substitute for the bill. A conference committee will be assigned to see if a final resolution can be agreed to by all parties.

3/9/18 - Had another vote on the House floor and passed with a vote 160-5 on March 5th. Since the bill was amended in the House, the Senate must now agree to the changes that were made in the House before going to the Governor for signature. If the Senate does not agree to the changes in the amendment, then a conference committee will be assigned to see if a final resolution can be agreed to by all parties. The House's version of the bill is dramatically different from the version passed by the Senate.

3/2/18 - Had a vote on the House floor and failed with a vote of 66-106. The House passed a motion to reconsider the bill 129-33. The House may take up another vote on the bill at any point during the remainder of the session.

2/16/18 - Received a do pass motion by substitute by the Small Business Development Committee on February 15th.

[SB 71—Bankruptcy Exemptions](#), by Sen. Jesse Stone (R), Waynesboro.

This bill would add Health Savings Accounts and Medical Savings Accounts to the list of property that is exempt from bankruptcy.

[SB 86—Foreclosure Confirmation Waiver Prohibition](#), by Sen. Jesse Stone (R), Waynesboro.

This bill adds judgments and levies to the real estate sales subject to a mandatory confirmation process in order to pursue a deficiency. This bill also prohibits contracts from including language to waive the requirement.

3/30/18 - Enough questions were raised during testimony at the Senate Judiciary Committee that no action was taken on this bill. Many thanks to the following people that joined us in providing testimony on the bill: Rick Drews, CEO of Century Bank of Georgia; Clark Hungerford, President of Vinings Bank; Bret Thrasher, Partner with Thompson O'Brien; John Sillay of James-Bates-Brannan-Groover-LLP; and Joe Brannen with Georgia Bankers Association.

2/23/18 - We attended the Senate Judiciary Committee meeting on Wednesday, February 21st, for a hearing on this bill. A special thank you to the following people for participating in our testimony against the proposed substitution: Rick Drews, CEO of Century Bank of Georgia; Clark Hungerford, President of Vinings Bank; Bret Thrasher, Partner with Thompson O'Brien; John Sillay of James-Bates-Brannan-Groover-LLP; and Joe Brannen with Georgia Bankers Association. While the substitute bill is better than either of the previous drafts, the **CBA remains opposed to the bill**. Based on follow-up conversations with Senators on the Judiciary Committee after the meeting, it is our understanding that there will be no

further action on the bill this session. We will continue to monitor the situation and keep you updated if anything should change.

2/16/18 - We are preparing for a Senate Judiciary Committee meeting on Tuesday, February 20th at 8AM in Room 125 of the Capitol. While there is no official agenda set on the Senate's website, we understand that Chairman Stone will be discussing this bill. **CBA is opposed to this bill.** CBA and Georgia Bankers Association are working collectively to provide speakers, talking points, etc. for testimony at the meeting on Tuesday to object to the bill. At this point in time, we are not clear as to which version of the bill may be discussed at the meeting or whether the Chairman will provide a substitute bill at the meeting. However, each draft of the bill that we have reviewed to date will have a substantial negative impact on a bank's ability to collect amounts due from guarantors and, as a result, will reduce the value of a guaranty in the underwriting process. **As we gather more information and determine if anything changes in the bill, we will provide you updates and possibly ask for your help in lobbying to your Senators if the bill makes it past the Senate Judiciary Committee.**

[SB 120—Property Deeds](#), by William Ligon, Jr. (R), Brunswick.

This bill relates to property and changes provisions relating to the recording of deeds. The bill provides for constructive notice of certain instruments to purchasers under certain circumstances; provides for correction of defects in attestations and acknowledgments to certain filings; provides for retroactivity under certain circumstances.

[SB 134—Save, Earn, Win Act](#), by Sen. David Shafer (R), Duluth.

This bill allows banks and credit unions to offer savings promotion raffle accounts in which deposits to a savings account enter a depositor in a raffle. Note: This is what we have referred to in previous legislative updates as “prize-linked savings accounts.”

[SB 187—Assessments Against Lot Owners](#), by Sen. Donzella James (D), Atlanta.

This bill relates to assessments against lot owners as constituting a lien in favor of association, additional charges against lot owners, procedure for foreclosing lien, and obligation to provide statement of amount due, so as to set forth conditions for the foreclosure of liens; and for other purposes.

[SB 194—Garnishments](#), by Sen. Jesse Stone (R), Waynesboro.

This bill relates to garnishment proceedings, so as to change the maximum part of disposable earnings subject to garnishment and conform the form used there with; changes provisions relating to serving the defendant; changes provisions relating to the introduction of evidence and how judgments are paid; and for other purposes.

3/30/18 - The Senate agreed to the changes made in the House with a vote of 45-0 on March 29th. The bill now goes to the Governor for signature.

3/23/18 - Was passed by the House with a vote of 154-2 on March March 23rd.

3/9/18 - Received a motion do pass by substitute by the House Judiciary Fleming Subcommittee on March 5th.

2/2/18 – The bill was assigned to the House Judiciary Committee.

1/26/18 - The bill passed the Senate with a vote of 49-0 on January 23rd.

1/19/18 - was recommitted by the Senate to the Judiciary Committee on January 8, 2018. The Judiciary Committee held a hearing on January 18th.

[SB 198—Industrial Loans](#), by Sen. Elena Parent (D), Atlanta.

This bill would prohibit false advertising relative to industrial loans, so as to prohibit persons engaged in the business of making industrial loans from issuing payment instruments which create a loan contract upon redemption, unless a previous contract has been entered into between the two parties; and for other purposes.

[SB 213—Banking Improvement Zones](#), by Sen. Joshua McKoon (R), Columbus.

This bill would provide for the establishment of banking improvement zones to encourage opening of financial institutions in areas underserved by financial institutions; provide for application and standards of approval for a banking improvement zone; provide for establishment of an agreement for the deposit of public funds in financial institutions within a banking improvement zone; and for other purposes.

[SB 299—Recording of Deeds](#), by Sen. Frank Ginn (R), Danielsville.

This bill relates to recording of deeds and other real property transactions; to amend Article 1 of Chapter 17 of Title 45 of the O.C.G.A., relating to general provisions regarding notaries public; to provide for related matters; to repeal conflicting laws; and for other purposes. This bill may have an impact on how banks handle closing for a loan that are not currently closed by an attorney (ex. HELOCs). (See next page for weekly updates on this bill.)

1/12/18 - The bill was assigned to the Judiciary Committee. We will continue to closely monitor this bill throughout the session.

[SB 301—Revised Uniform Fiduciary Access to Digital Assets Act](#), by Sen. John Kennedy (R), Macon.

This bill relates to wills, trusts, and administration of estates, so as to enact the "Revised Uniform Fiduciary Access to Digital Assets Act"; to extend a fiduciary's powers to include managing tangible property and digital assets; to provide for exceptions; to provide for definitions; to amend Title 29 of the Official Code of Georgia Annotated, relating to guardian and ward, so as to provide conforming cross-references for a conservator; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

3/23/18 - Was passed by the House with a vote of 162-2 on March 19th. The bill will now go to the Governor for signature.

3/16/18 - Has been placed on the House Rules Debate Calendar for Monday, March 19th.

3/9/18 - Received a motion do pass by the House Judiciary Kelly Subcommittee on March 5th and by the House Judiciary Committee on March 6th.

2/23/18 – The bill was passed by the Senate with a vote of 54-0 on February 20th. It was assigned to the House Judiciary Committee.

2/9/18 - received a do pass recommendation by the Judiciary Committee on February 7th.

[SB 315–Computer Crimes](#), by Sen. Bruce Thompson (R), White.

This bill relates to computers crimes, so as to create the new crime of unauthorized computer access; to provide for penalties; to change provisions relating to venue for computer crimes; to provide for forfeiture; to provide for related matters; to repeal conflicting laws; and for other purposes.

3/30/18 - Was passed by the House with a vote of 107-63 on March 27th. The Senate agreed to the changes made in the House with a vote of 42-7 on March 29th. The bill now goes to the Governor for signature.

3/23/18 - Received a motion do pass by substitute by the House Judiciary Non-Civil Full Committee on March 22nd.

3/16/18 - Was heard by the House Judiciary Non-Civil Setzler Subcommittee on March 14th. There were a number of amendments made to the bill. The bill received a motion do pass by substitute by the Subcommittee. The bill must now be presented to the Houses Judiciary Non-Civil Full Committee.

3/9/18 - Was heard by the House Judiciary Non-Civil Setzler Subcommittee on March 7th. There was a heated debate on the bill with a number of opponents providing testimony at the meeting. No action was taken on the bill at the Committee meeting.

2/16/18 - Was passed by the Senate with a vote of 41-11 on February 12th. The bill was assigned to the House Judiciary Non-Civil Committee.

2/9/18 – The bill was put on the Senate Calendar for February 6th; however, the bill was recommitted to the Senate Rules Committee on the same date and no further action was taken by the Senate.

1/12/18 - With the increase in computer crimes and cyber security issues for banks, CBA is in favor of this bill. We will monitor this bill throughout the session.

[SB 338—Administrative Procedures](#), by Sen. William Ligon, Jr. (R), Brunswick.

This bill relates to general provisions for administrative procedure, so as to modify requirements for agency rule making; to modify legislative objections to and staying of proposed agency rules; to provide for related matters; to repeal conflicting laws; and for other purposes. This bill is the Senate's response to the issues that arose with the Department of Revenue's Regulations relating to issues discovered in [HB 337](#) that was signed by Governor Deal on May 9, 2017.

3/30/18 - Was passed by the House with a vote of 173-0 on March 27th. The Senate disagreed to the changes made in the House. The House receded from its position on the amendment/substitute with a vote of 150-16. The bill now goes to the Governor for signature.

3/23/18 - Has been placed on the House Rules Calendar for Tuesday, March 27th.

3/16/18 - Received a motion do pass by substitute by the House Judiciary Committee on March 15th.

2/16/18 - Was assigned to the House Judiciary Committee.

2/9/18 – The bill was passed/adopted by substitute by the Senate with a vote of 37-18 on February 8th.

2/2/18 – The bill received a do pass motion by the Judiciary Committee on January 31st.

1/26/18 - The bill was assigned to the Judiciary Committee. We will monitor this bill throughout the session.

[SB 345—Identity Theft](#), by Sen. Jennifer Jordan (D), Atlanta.

This bill relates to identity theft, so as to prohibit consumer credit reporting agencies from charging a fee for placing or removing a security freeze on a consumer's account; to repeal conflicting laws; and for other purposes.

1/26/18 - The bill was assigned to the Banking and Financial Institutions Committee. We will monitor this bill throughout the session.

[SB 358—Establishment of Banking Improvement Zones](#), by Sen. Michael 'Doc' Rhett (D), Marietta.

This bill relates to general provisions relative to provisions applicable to counties and municipal corporations and depositories for county and school district moneys, respectively, so as to provide for the establishment of banking improvement zones to encourage opening of financial institutions in areas underserved by financial institutions; to provide for definitions; to provide for application and standards of approval for a banking improvement zone; to provide for the establishment of an agreement for the deposit of public funds in financial institutions within a banking improvement zone; to provide for related matters; to repeal conflicting laws; and for other purposes.

3/16/18 - Received a motion do pass by the House Banks & Banking Committee on March 12th.

3/9/18 - Was heard by the House Banks & Banking Committee on March 6th. No action was taken on the bill at the Committee meeting.

3/2/18 - Was passed by the Senate with a vote of 52-1 on February 28th. The bill was assigned to the House Banks & Banking Committee.

2/23/18 – The bill received a do pass motion by substitute by the Banking & Financial Institutions Committee on February 21st.

2/2/18 – The bill was heard by the Banking and Financial Institutions Committee. The Committee voted to table the bill on January 27th.

1/26/18 - We will continue to monitor this bill throughout the session.

[SB 374—Community Association Transparency and Protection Act](#), by Sen. Donzella James (D), Atlanta, relates to regulation of specialized land transactions, so as to provide for protections for homeowners, condominium owners, and property owners in community associations; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

2/9/18 - The bill was assigned to the Judiciary Committee. We will monitor this bill throughout the session.

[SB 376—Identity Theft](#), by Sen. David Shafer (R), Duluth, relates to identity theft, so as to prohibit consumer credit reporting agencies from charging a fee for placing or removing a security freeze on a consumer's account; to repeal conflicting laws; and for other purposes.

3/30/18 - Was amended in the House Rules committee to include language similar to language in [SB 465—Interest and Usury](#), by Sen. Ellis Black (R), Valdosta. While CBA was opposed to the language in SB 465, the language was tweaked in its current form to alleviate our concerns. The language allows banks that operate under a territory of the United States to be an issuer of letters of credit. The bill was passed by the House with a vote of 168-1 on March 29th. The Senate agreed to the changes made in the House with a vote of 51-0. The bill now goes to the Governor for signature.

3/6/18 - Received a motion do pass by the House Banks & Banking Committee on March 12th.

3/9/18 - Was heard by the House Banks & Banking Committee on March 8th. No action was taken on the bill at the Committee meeting. The bill is scheduled for a vote in the Banks & Banking Committee on Monday, March 12th.

3/2/18 - Was passed by the Senate with a vote of 51-0 on February 26th. The bill was assigned to the House Banks & Banking Committee.

2/23/18 – The bill received a do pass motion by the Banking & Financial Institutions Committee on February 21st.

2/9/18 - The bill was assigned to the Banking & Financial Institutions Committee. We will monitor this bill throughout the session.

[SB 432—Georgia Tax Credit Business Case Act](#), by Sen. John Albers (R), Alpharetta.

This bill relates to imposition, rate, computation, and exemptions from state income tax, so as to provide for the expiration of certain tax credits; to amend Code Section 48-8-3 of the O.C.G.A., relating to exemptions from state sales and use taxes, so as to repeal and reserve certain exemptions from state sales and use taxes; to provide for related matters; to repeal conflicting laws; and for other purposes. Section 2-8 states, in part, that income tax credits for depository financial institutions will stand repealed as of December 31, 2019.

3/30/18 – See HB 93 (on page 2 of this document)

3/23/18 - The language from this bill was inserted into [HB 93—Sales and Use Tax](#), by Rep. John Corbett (R), Lake Park. [HB 93—Sales and Use Tax](#) has been placed on the Senate Rules Calendar for Friday, March 23rd.

3/16/18 - The language from this bill was inserted into [HB 93—Sales and Use Tax](#), by Rep. John Corbett (R), Lake Park, in the Senate Finance Committee on March 14th. The bill received a do pass motion by substitute by the Senate Finance Committee on March 14th.

3/2/18 - Was passed by the Senate with a vote of 53-0 on February 26th. The bill was assigned to the House Ways and Means Committee.

2/23/18 – The bill received a do pass motion by substitute by the Finance Committee on February 22nd.

2/16/18 - The bill was assigned to the Finance Committee. We will continue to monitor this bill throughout the session.

[SB 464—Taxes and License Fees](#), by Sen. Michael Williams (R), Cumming.

This bill relates to forms of payment of taxes and license fees, so as to require the state revenue commissioner to accept cryptocurrencies for payment of taxes and license fees; to require conversion of cryptocurrency payments into United States dollars; to provide for related matters; to repeal conflicting laws; and for other purposes.

2/23/18 - The bill was assigned to the Finance Committee. We will continue to monitor this bill throughout the session.

[SB 465—Interest and Usury](#), by Sen. Ellis Black (R), Valdosta.

This bill relates to interest and usury, so as to exempt any charge for a letter of credit from being classified as interest; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

2/23/18 - The bill was assigned to the Banking & Financial Institutions Committee. After reviewing the bill, it was determined that the language in the bill could cause some concerns for our banks. The bill was scheduled to be presented to the Committee on February 22nd; however, the bill was tabled at the start of the meeting due to issues raised with the author of the bill from a bank's perspective. We do not expect further action on the bill during this session.

SENATE RESOLUTIONS

[SR 318—Senate Cyber Challenge Study Committee](#), by Sen. Harold Jones II (D), Augusta.

This resolution would create a Senate study committee composed of six members of the Senate to undertake a study of the conditions, needs, issues, and problems with cyber-attacks, cyber threats, and a demand for cyber security.

[SR 454—Senate Cyber Security Education Study Committee](#), by Sen. Bruce Thompson (R), White.

This resolution would undertake a study of the rapidly growing cyber technology section and the lack of talent to fill the thousands of workforce opportunities currently available; study the current and future implementation of a cyber security curriculum in Georgia high schools; and, the Senate has a direct need to understand the state's current approach to meeting the needs and opportunities within Georgia high schools relating to cyber security education. Since cyber security is such a hot topic in banking right now, a change to high school curriculums may benefit the banking workforce in years to come.

[SR 470—Joint Study Committee on Title Ad Valorem Tax](#), by Sen. Chuck Hufstetler (R), Rome.

This resolution would create a joint study committee to review the one-time fee called the title ad valorem tax fee (TAVT) that motor vehicles purchased since 2013 in the State of Georgia have been subject to; TAVT is divided between state and local governments on a sliding percentage scale, which is adjusted annually through 2022; each county's tax commissioner is responsible for collecting TAVT for vehicles in that county, from which the county tax commissioner transfers the state's share of collections to the Department of Revenue, minus a 1 percent administrative fee if such funds are timely remitted; TAVT revenues are intended to be distributed to fund core functions of government such as education, transportation, and essential services; and, ensuring a fair split of TAVT revenues between state and local governments is paramount to appropriately target and collect revenue benchmarks that best serve Georgia's taxpayers.

[SR 481—Senate Study Committee on Senate Bill 86](#), by Sen. Jesse Stone (R), Waynesboro.

This resolution would create a Senate Study Committee to review the foreclosure confirmation statute, O.C.G.A. Section 44-14-161, which requires a judicial confirmation of nonjudicial foreclosure sales; the majority opinion in PNC Bank, Nat'l Ass'n v. Smith, 298 Ga. 818 (Ga. 2016), held that guarantors can waive the protections of the confirmation statute; Justice Nahmias, in his concurring opinion in PNC Bank, pointed out that if guarantors can waive the protections of the statute,

then it can be interpreted that borrowers can as well; and, Justice Nahmias advised the General Assembly to amend the confirmation requirement of O.C.G.A. Section 44-14-161 to either prohibit or regulate contractual waivers to protect borrowers, or even only residential borrowers, from unscrupulous lenders during nonjudicial foreclosures.

[SR 916—Senate Special Tax Exemption Study Committee](#), by Sen. John Albers, (R), Alpharetta.

This resolution creates the Senate Special Tax Exemption Study Committee; and for other purposes.

3/2/18 - The resolution was assigned to the Finance Committee. We will continue to monitor the activity of the Committee.

[SR 929—Joint Study Committee on Cyber Security Legislation](#), by Sen. Bruce Thompson, (R), White.

This resolution creates a Joint Study Committee on Cyber Security Legislation; and for other purposes.

3/2/18 - The resolution was assigned to the Rules Committee. Since the resolution did not make it to the Senate Rules Calendar before crossover day, it is expected that this will be a Senate-only study committee. We will continue to monitor the activity of the Committee.

If you have questions about legislative issues or specific bills, please do not hesitate to contact [Rob Braswell](#) or [Lori Godfrey](#). Also, you may reach them at the CBA office by dialing (770) 541-4490 / (800) 648-8215. We continue to welcome comments and input from community bankers regarding specific legislation and legislative issues.

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