



# LEGISLATIVE UPDATE



Welcome to GHLA @ the Capitol, your weekly update about news you need to know related to Georgia's lodging industry and the 2020 General Assembly. GHLA's legislative team will be your eyes and ears under the Gold Dome.

## **Lodging Facilitator Update**

HB448 by Representative Matt Dollar (R-Marietta) was heard briefly in the House Committee on Ways & Means on Thursday. The bill has gone through several iterations, and ultimately removes the percentage point listed in the first bill as an alternative to the \$5 hotel-motel fee. Rep. Dollar described his proposal as an extension of marketplace facilitator, but now for the rest of the lodging continuum. This bill seeks to streamline the collection of hotel-motel tax (HMT) for short-term rental platforms. The bill extends the \$5 hotel-motel fee to short-term rentals while creating parity with traditional brick and mortar hotels. The measure received a unanimous vote from the Committee and will now move on to the House Rules.

The Office of Planning and Budget (OPB) put out a fiscal note later on Thursday at the request of Chairman Brett Harrell, examining the impact of \$5 per night versus the \$5 per night or 10% of the sale price, whichever is less, effective July 1, 2020. The percentage was in the original proposal in 2020.

The Georgia State University's Fiscal Research Center (FRC) estimated that the legislation, if enacted, would result in a revenue gain of \$16.5 million in FY2021, with this gain increasing to \$18.0 million by FY2025. FRC indicated that insufficient tax data exists to estimate the impact on local tax revenue. The fiscal note also suggests that the Department of Revenue would be able to implement the provisions of HB448 without additional funding.

## **Tort Reform Measures Introduced in Senate**

While Georgia may consistently be the best state to do business, organizations have long argued that companies in Georgia are subject to suits more often than in other areas around the country. Civil courts in Georgia are more likely to hand out more significant judgments in cases of negligence.

The American Tort Reform Association has trademarked Georgia as a "judicial hellhole," which is part of an annual report where they rank jurisdictions that are deemed unfair to civil suit defendants. In the country, Georgia is number five on their list.

Interestingly, the premises liability standard was one of the items contemplated by the study committee over the summer. OCGA Section 51-3-1 provides that "where an owner or occupier of land, by express or implied invitation, induces or leads others to come upon his premises for any lawful purpose, he is liable in damages to such persons for injuries caused by his failure to exercise ordinary care in keeping the premises and approaches safe."

Over the summer, the Committee heard about cases where a property owner's duty is extended to protect those on their property against the risk of injury from third-party criminal activity. The panel discussed a specific case in which a property owner was found responsible after a patron and a non-patron had a physical altercation in his parking lot, resulting in a lawsuit against the property owner.

In their [final report](#), the Committee recommended premises liability reform. They suggested that legislation should be introduced to set a reasonable standard of liability when an unrelated third party commits an act against a person on the landowner's property.

The Georgia Chamber of Commerce supports the study committee report from this fall and has yet to weigh in on the first and second drafts of the bill that came out this week. The bill, [SB415](#) by Senator Steve Gooch (R-Dahlonega), will likely have a long road ahead due to the number of measures the sponsors hope to address.

State Sen. John Wilkinson, a Toccoa Republican who chaired the study committee, said that his goal is to be fair to business but also to make sure consumers are protected and have recourse in court proceedings.

## Employer Mandate Watch

[SB 408](#), by Senator Strickland (R-McDonough), seeks to amend Code Section 34-1-10 of the Official Code of Georgia Annotated, relating to the use of sick leave for the care of immediate family members. This code section was intended to be repealed on July 1, 2020; the Senator is looking to remove that section to extend the requirements. For more information about the code section, please visit [here](#).

[HB 950](#), by Rep. Gregg Kennard (D-Lawrenceville), seeks to amend 35-3-37(g) addressing an individual's criminal history record information. The bill revises the handling of arrest-only criminal history record information upon arrest. It seeks to restrict an individual's criminal history record information, including fingerprints or photographs of an individual taken in conjunction with the arrest, to the GCIC unless the case is referred for further prosecution.

## Social Issues

[HB 915](#), by Rep. Philip Singleton (R-Sharpsburg), seeks to address immigration policies and enact the "Georgia Anti-Sanctuary Act" in a new Chapter 36A of Title 50. In part, it adds in OCGA § 50-36A-4 "(a) a state entity, local governmental entity, or law enforcement agency shall not adopt or have in effect a sanctuary policy." It also provides the Attorney General investigation and enforcement powers for violations and to defend suits against certain entities in certain instances.

[SB 368](#), authored by Sen. Marty Harbin (R-Tyrone), creates a new Code Section at OCGA 49-5-25 to allow child-placing agencies in Georgia to avoid making placements that violate their written religious or moral convictions or policies. The bill prevents any state entity from denying a license to a child-placing agency based on said agency's rejection of placements for these reasons.

[HB 440](#), authored by Rep. Mandi Ballinger (R-Canton), amends Title 15 to change the jurisdiction of the juvenile court to include children under the age 18.

## Legislative Tracking Update

Please [click here to go to our Legislative tracking page](#) for the complete list of bills we are watching.

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