

GEORGIA
TITLE 10 – COMMERCE AND TRADE
CHAPTER 1 – SELLING AND OTHER TRADE PRACTICES
ARTICLE

Sec. 42-481. Definitions

Editor's notes.

Ga. L. 1986, p. 884, § 2, not codified by the General Assembly, provided that that Act would apply to all contracts entered into on or after July 1, 1986.

10-1-700. Definitions.

As used in this article, the term:

(1) “Commission” means compensation accruing to a sales representative for payment by a principal, the rate of which is expressed as a percentage of the dollar amount of orders or sales or as a specified amount per order or per sale.

(2) “Principal” means a person who does business in this state and who:

(A) Manufactures, produces, imports, or distributes a tangible product for wholesale;

(B) Contracts with a sales representative to solicit orders for the product; and

(C) Compensates the sales representative in whole or in part by commission.

(3) “Sales representative” means a person who contracts with a principal to solicit wholesale orders and who is compensated in whole or in part by a commission, but such term does not include one who places orders or purchases for his or her own account for resale.

(Code 1981, § 10-1-700, enacted by Ga. L. 1986, p. 884, § 1; Ga. L. 1993, p. 1092, § 1)

10-1-701. [Reserved] Contract for service in state.

Editor's notes.

Ga. L. 1992, p. 1320, § 1 repealed and reserved this Code section, effective April 13, 1992.

10-1-702. Rights of sales representative; frivolous actions.

CURRENT TRHOUGH ACTS 2023, No. 23-353 of the 2023 Session, but not including corrections and changes made to the 2023 session laws by the Code Commissioner.

(a) When a contract between a principal and a sales representative is terminated, the principal shall within 30 days after the termination of the contract pay all commissions due to the sales representative.

(b) A principal who fails to make timely payment of commissions as required by subsection (a) of this Code section shall be liable to the sales representative in a civil action for:

(1) All amounts due to the sales representative according to the terms of the contract;

(2) Exemplary damages in an amount not to exceed double the amount not timely paid as required by subsection (a) of this Code section; and

(3) Reasonable attorney's fees actually and reasonably incurred by the sales representative in the action.

(c) A person who brings an action under this Code section shall, if the court determines that the action is frivolous, be liable to the defendant for attorney's fees actually and reasonably incurred by the defendant in defending against such action.

(Code 1981, § 10-1-702, enacted by Ga. L. 1986, p. 884, § 1; Ga. L. 1992, p. 1320, § 2.)

10-1-703. Waiver of law prohibited.

CURRENT TRHOUGH ACTS 2023, No. 23-353 of the 2023 Session, but not including corrections and changes made to the 2023 session laws by the Code Commissioner.

The provisions of this article may not be waived; and, in applying the provisions of this article, the courts of this state shall not recognize any purported waiver of the provisions of this article, whether by expressed waiver or by attempt to make a contract or agreement subject to the laws of another state.

(Code 1981, § 10-1-703, enacted by Ga. L. 1986, p. 884, § 1.)

10-1-704. Jurisdiction of court.

CURRENT TRHOUGH ACTS 2023, No. 23-353 of the 2023 Session, but not including corrections and changes made to the 2023 session laws by the Code Commissioner.

A principal who is not a resident of this state and who enters into a contract subject to this article is declared to be doing business in this state for purposes of the exercise of personal jurisdiction over nonresidents under Code Section 9-10-91.

(Code 1981, § 10-1-704, enacted by Ga. L. 1986, p. 884, § 1.)

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