

Senate Bill 342

By: Senators Harp of the 16th, Kemp of the 3rd and Meyer von Bremen of the 12th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 46 of the Official Code of Georgia Annotated, relating to
2 general provisions regarding public utilities and public transportation, so as to increase the
3 statute of limitations for actions against railroad companies and electric companies; to
4 provide for venue of such actions in the county of the principal office or place of business
5 of the railroad or electric company; to provide for an effective date; to repeal conflicting
6 laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 1 of Title 46 of the Official Code of Georgia Annotated, relating to general
10 provisions regarding public utilities and public transportation, is amend by striking Code
11 Section 46-1-2, relating to measure of damages for wrongs and injuries by railroad
12 companies generally and venue for actions against railroad companies and electric companies
13 generally, and inserting in its place the following:

14 "46-1-2.

15 (a) As used in this Code section, the term 'electric company' means all corporations
16 engaged in the business of either generating or transmitting electricity for light, heat,
17 power, or other commercial purposes.

18 (b) If any railroad company doing business in this state shall, in violation of any rule or
19 regulation of the Public Service Commission, inflict any wrong or injury on any person,
20 such person shall have a right of action and recovery for such wrong or injury in the county
21 where the wrong or injury occurred and the damages which may be recovered in such
22 actions shall be the same as in actions between individuals, provided that, in cases of
23 willful violation of law, such railroad companies shall be liable for exemplary damages.
24 All such actions under this title must be brought within ~~12~~ 24 months after the commission
25 of the alleged wrong or injury.

1 (c) Any railroad or electric company shall be sued by anyone whose person or property has
 2 been injured by such railroad or electric company, or by its officers, agents, or employees,
 3 for the purpose of recovering damages for such injuries, in the county in which the cause
 4 of action originated, in the county of its principal office and place of business, or in the
 5 county of the residence of such company; and actions on all contracts shall be brought in
 6 the county in which the contract in question is made or is to be performed. If the cause of
 7 action arises in a county where the railroad or electric company liable to suit has no agent,
 8 service may be perfected by the issuance of a second original, to be served upon the
 9 company in the county of its principal office and place of business, if in this state, and if
 10 not, on any agent of such company. ~~In the alternative, if the company has no agent in the~~
 11 ~~county where the cause of action arises, an action may be brought in the county of the~~
 12 ~~residence of such company.~~

13 (d) Whenever any railroad or electric company incorporated under the laws of this state
 14 acquires by purchase, lease, or otherwise the ownership or control of the line of railroad
 15 of a competing railroad company in this state, in violation of Article III, Section VI,
 16 Paragraph V(c) of the Constitution of the State of Georgia, or whenever any railroad or
 17 electric company incorporated under the laws of this state acquires by purchase, lease, or
 18 otherwise the ownership or control of the generating plant or transmission line of a
 19 competing electric company in this state, in violation of Article III, Section VI, Paragraph
 20 V(c) of the Constitution of the State of Georgia, the venue of an action brought against the
 21 railroad or electric company for the purpose of setting aside and having annulled such
 22 unlawful act of acquisition shall be in any county through which may run the line of
 23 railroad; or in any county through which may run the transmission line of such electric
 24 company or in which may be located the generating plant of such electric company so
 25 unlawfully acquired.

26 ~~(e) In any cause of action described in this Code section, any judgment rendered in any~~
 27 ~~county other than one designated in this Code section shall be void.~~

28 ~~(f)~~(e) The following electric companies shall be embraced within the provisions of this
 29 Code section:

30 (1) An electric company owning a generating plant in one county and having its situs or
 31 principal office either in some other county of this state or beyond the limits of this state;

32 (2) An electric company operating a generating plant, whether under lease or otherwise,
 33 in one county and having its situs or principal office either in some other county of this
 34 state or beyond the limits of this state;

35 (3) An electric company owning a transmission line located in one county and having
 36 its situs or principal office in some other county of this state or beyond the limits of this
 37 state;

1 (4) An electric company operating, whether under lease or otherwise, a transmission line
2 located in one county and having its situs or principal office in some other county of this
3 state or beyond the limits of this state;

4 (5) An electric company owning a transmission line located in, or extending through,
5 more than one county; and

6 (6) An electric company operating, whether under lease or otherwise, a transmission line
7 located in or extending through more than one county."

8 **SECTION 2.**

9 This Act shall become effective upon its approval by the Governor or upon its becoming law
10 without such approval.

11 **SECTION 3.**

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