

House Bill 1163

By: Representatives Dodson of the 94<sup>th</sup>, Rogers of the 20<sup>th</sup>, Powell of the 23<sup>rd</sup>, Birdsong of the 123<sup>rd</sup> and Cash of the 108<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 2 of Title 31 of the Official Code of Georgia Annotated, relating to the  
2 Department of Human Resources, so as to prohibit a county or municipality from requiring  
3 a certified septic tank installer or pumper who has provided a \$2,500.00 bond from  
4 furnishing a code compliance bond; to provide for a certified septic tank installer or pumper  
5 to file a copy of a bond with the county or municipal health department in the political  
6 subdivision where the work is being done; to exclude bonding requirements involving  
7 contracts for public works from these requirements; to provide for related matters; to repeal  
8 conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Chapter 2 of Title 31 of the Official Code of Georgia Annotated, relating to the Department  
12 of Human Resources, is amended by adding a new subsection (c) to Code Section 31-2-7,  
13 relating to standards for sewage management systems, to read as follows:

14 "(c)(1) This subsection shall not be construed to prohibit the governing authority of any  
15 county or municipality in the state from adopting and enforcing codes at the local level;  
16 provided, however, that no county or municipality may require any certified septic tank  
17 installer or certified septic tank pumper who has executed and deposited a bond as  
18 authorized in paragraph (2) of this subsection to give or furnish or execute any code  
19 compliance bond or similar bond for the purpose of ensuring that all construction,  
20 installation, or modifications are made or completed in compliance with the county or  
21 municipal ordinances or building and construction codes.

22 (2) In order to protect the public from damages arising from any work by a certified  
23 septic tank installer or certified septic tank pumper, which work fails to comply with the  
24 ordinances or building and construction codes adopted by any county or municipal  
25 corporation, any such certified septic tank installer or certified septic tank pumper may  
26 execute and deposit with the judge of the probate court in the county of his or her

1 principal place of business a bond in the sum of \$2,500.00. Such bond shall be a cash  
2 bond of \$2,500.00 or executed by a surety authorized and qualified to write surety bonds  
3 in the State of Georgia and shall be approved by the local county or municipal health  
4 department. Such bond shall be conditioned upon all work done or supervised by such  
5 certificate holder complying with the provisions of any ordinances or building and  
6 construction codes of any county or municipal corporation wherein the work is  
7 performed. Action on such bond may be brought against the principal and surety thereon  
8 in the name of and for the benefit of any person who suffers damages as a consequence  
9 of said certificate holder's work not conforming to the requirements of any ordinances  
10 or building and construction codes; provided, however, that the aggregate liability of the  
11 surety to all persons so damaged shall in no event exceed the sum of such bond.

12 (3) In any case where a bond is required under this subsection, the certified septic tank  
13 installer or certified septic tank pumper shall file a copy of the bond with the county or  
14 municipal health department in the political subdivision wherein the work is being  
15 performed.

16 (4) The provisions of this subsection shall not apply to or affect any bonding  
17 requirements involving contracts for public works as provided in Chapter 10 of Title 13."

## 18 SECTION 2.

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