

House Bill 1163 (COMMITTEE SUBSTITUTE)

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

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, municipality, or state agency
3 from requiring a certified septic tank installer or pumper who has provided a \$10,000.00
4 bond from furnishing a code compliance bond; to provide for a certified septic tank installer
5 or pumper to file a copy of a bond with the county or municipal health department in the
6 political subdivision where the work is being done; to exclude bonding requirements
7 involving contracts for public works from these requirements; to provide for related matters;
8 to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

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, municipality, or state agency may require any
17 certified septic tank installer or certified septic tank pumper who has executed and
18 deposited a bond as authorized in paragraph (2) of this subsection to give or furnish or
19 execute any code compliance bond or similar bond for the purpose of ensuring that all
20 construction, installation, or modifications are made or completed in compliance with the
21 county or 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 any
24 state construction codes or with the ordinances or building and construction codes
25 adopted by any county or municipal corporation, any such certified septic tank installer
26 or certified septic tank pumper may execute and deposit with the judge of the probate

1 court in the county of his or her principal place of business a bond in the sum of
2 \$10,000.00. Such bond shall be a cash bond of \$10,000.00 or executed by a surety
3 authorized and qualified to write surety bonds in the State of Georgia and shall be
4 approved by the local county or municipal health department. Such bond shall be
5 conditioned upon all work done or supervised by such certificate holder complying with
6 the provisions of any state construction codes or any ordinances or building and
7 construction codes of any county or municipal corporation wherein the work is
8 performed. Action on such bond may be brought against the principal and surety thereon
9 in the name of and for the benefit of any person who suffers damages as a consequence
10 of said certificate holder's work not conforming to the requirements of any ordinances
11 or building and construction codes; provided, however, that the aggregate liability of the
12 surety to all persons so damaged shall in no event exceed the sum of such bond.

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

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

19 SECTION 2.

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