

House Bill 1154 (AS PASSED HOUSE AND SENATE)

By: Representative Floyd of the 138th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 6 of Title 12 of the Official Code of Georgia Annotated,
2 relating to forest resources, so as to redesignate certain provisions of said article; to provide
3 that local governing authorities may by ordinance require notice of certain timber harvesting
4 operations; to prescribe the content of such notice and related procedures; to provide for
5 certain bonds or letters of credit; to provide penalties for violations; to prohibit local
6 governing authorities from imposing other notice, security, or permit requirements for timber
7 harvesting or forest products hauling operations; to amend Title 32 of the Official Code of
8 Georgia Annotated, relating to highways, bridges, and ferries, so as to change certain
9 provisions relating to powers of counties; to change certain provisions relating to powers of
10 municipalities; to change certain provisions relating to obstructing, encroaching on, or
11 injuring public roads; to change certain provisions relating to permits for excess weight and
12 dimensions of vehicles and loads; to repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 style="text-align:center">**SECTION 1.**

15 Article 1 of Chapter 6 of Title 12 of the Official Code of Georgia Annotated, relating to
16 forest resources, is amended by designating Code Section 12-6-23, relating to wood load
17 ticket required for wood removal, form, and exceptions, as a new Part 1A of said article and
18 by adding to said new part a new Code Section 12-6-24 to read as follows:

19 "12-6-24.

20 (a)(1) A county governing authority may by ordinance or resolution require all persons
21 or firms harvesting standing timber in any unincorporated area of such county for
22 delivery as pulpwood, logs, poles, posts, or wood chips to any woodyard or processing
23 plant located inside or outside this state to provide notice of such harvesting operations
24 to the county governing authority or the designated agent thereof prior to cutting any such
25 timber.

1 (2) A municipal governing authority may by ordinance or resolution require all persons
2 or firms harvesting standing timber in any incorporated area of such municipality for
3 delivery as pulpwood, logs, poles, or wood chips to any woodyard or processing plant
4 located inside or outside this state to provide notice of such harvesting operations to the
5 municipal governing authority or the designated agent thereof prior to cutting any such
6 timber.

7 (b) Any ordinance or resolution adopted pursuant to subsection (a) of this Code section
8 shall conform to the following requirements:

9 (1) Prior written notice shall be required of any person or firm harvesting such timber for
10 each separate tract to be harvested thereby, shall be in such form as prescribed by rule or
11 regulation of the director, and shall consist of:

12 (A) A map of the area which identifies the location of the tract to be harvested and, as
13 to those trucks which will be traveling to and from such tract for purposes of picking
14 up and hauling loads of cut forest products, the main point of ingress to such tract from
15 a public road and, if different, the main point of egress from such tract to a public road;

16 (B) A statement as to whether the timber will be removed pursuant to a lump sum sale,
17 per unit sale, or owner harvest for purposes of ad valorem taxation under Code Section
18 48-5-7.5;

19 (C) The name, address, and daytime telephone number of the timber seller if the
20 harvest is pursuant to a lump sum or per unit sale or of the timber owner if the harvest
21 is an owner harvest; and

22 (D) The name, business address, business telephone number, and nighttime or
23 emergency telephone number of the person or firm harvesting such timber;

24 (2) Notice may be submitted in person, by transmission of an electronic record via
25 telefacsimile or such other means as approved by the governing authority, or by mail;

26 (3) The governing authority may require persons or firms subject to such notice
27 requirement to deliver a bond or letter of credit as provided by this paragraph, in which
28 case notice shall not be or remain effective for such harvesting operations unless and until
29 the person or firm providing such notice has delivered to the governing authority or its
30 designated agent a valid surety bond, executed by a surety corporation authorized to
31 transact business in this state, protecting the county or municipality, as applicable, against
32 any damage caused by such person or firm in an amount specified by the governing
33 authority not exceeding \$5,000.00 or, at the option of the person or firm harvesting
34 timber, a valid irrevocable letter of credit issued by a bank or savings and loan
35 association, as defined in Code Section 7-1-4, in the amount of and in lieu of such bond.
36 For purposes of this paragraph, any such surety bond or letter of credit shall be valid only
37 for the calendar year in which delivered;

1 (4) Notice shall be effective for such harvesting operation on such tract within such
2 unincorporated area of the county or incorporated area of the municipality upon receipt
3 of the same by the applicable governing authority or its designated agent and, if
4 applicable, compliance with the requirements of paragraph (3) of this subsection and until
5 such time as the person or firm giving such notice has completed the harvesting operation
6 for such tract; provided, however, that any subsequent change in the facts required to be
7 provided for purposes of such notice shall be reported to the governing authority or its
8 designated agent within three business days after such change;

9 (5) Notice requirements shall be applicable to any such timber harvested on or after the
10 effective date of the ordinance or resolution adopted pursuant to this Code section; and

11 (6) Violation of the notice requirements of any ordinance or resolution adopted pursuant
12 to this Code section shall be punishable by a fine not exceeding \$500.00.

13 (c) The director shall promulgate such rules and regulations as are reasonable and
14 necessary for purposes of the standard form required by paragraph (1) of subsection (b) of
15 this Code section.

16 (d) Any municipal governing authority or designated agent thereof which receives a notice
17 required by ordinance or resolution adopted pursuant to this Code section regarding timber
18 harvesting operations to be conducted in whole or in part within the corporate limits of
19 such municipality shall transmit a copy of such notice to the governing authority of the
20 county or the designated agent thereof.

21 (e)(1) No county, municipality, or other political subdivision in this state shall require
22 any person or firm harvesting standing timber therein for delivery as pulpwood, logs,
23 poles, posts, or wood chips to any woodyard or processing plant located inside or outside
24 this state to provide any notice of or plan or security for such harvesting or hauling of
25 forest products except as provided by this Code section.

26 (2) No county, municipality, or other political subdivision in this state shall require any
27 person or firm harvesting standing timber therein for delivery as pulpwood, logs, poles,
28 posts, or wood chips to any woodyard or processing plant located inside or outside this
29 state to obtain any permit for such harvesting or hauling of forest products, including
30 without limitation any permit for any new driveway in connection with timber harvesting
31 operations; provided, however, that this paragraph shall not otherwise limit the authority
32 of a county or municipality to regulate roads or streets under its jurisdiction in accordance
33 with Title 32."

1 (b) Any person who unlawfully obstructs, encroaches upon, or injures said public road
 2 shall be responsible for reimbursing the Department of Transportation or the applicable
 3 local governing authority in the case of a road which is part of a county road system or
 4 municipal street system for the costs of removal of said obstructions or encroachments and
 5 the costs of repairs to the public road incurred by such department or local governing
 6 authority, including any costs associated with traffic management; provided, however, that
 7 such costs shall be limited to those costs which are directly incurred from such damages.
 8 Costs incurred for traffic management may include, but not be limited to, costs incurred for
 9 flagging, signing, or provision of detours, provided that these activities are directly caused
 10 by the obstruction, encroachment, or injury to the public road system. The court may, in
 11 addition to any other sentence authorized by law, order a person convicted of violating this
 12 Code section to make such restitution for the offense.

13 (c) Nothing ~~However, nothing~~ in this Code section shall abridge or limit any authority
 14 provided by law for the installation and operation of vending machines at welcome centers,
 15 tourist centers, and safety rest areas. Nothing in this Code section shall limit in any way
 16 the department's authority to lease property to state or federal agencies, counties, or
 17 municipalities as provided for in Code Section 32-7-5, or limit the Department of
 18 Transportation's ability to grant a license to any utility or railroad corporation as defined
 19 in Code Section 46-1-1."

20 SECTION 5.

21 Said title is further amended in subsection (b) of Code Section 32-6-28, relating to permits
 22 for excess weight and dimensions of vehicles and loads, by inserting a new paragraph to read
 23 as follows:

24 "(2.1) SIX-MONTH PERMIT. Six-month permits may be issued for loads of tobacco or
 25 unginced cotton the widths of which do not exceed nine feet, provided that such loads
 26 shall not be operated on The Dwight D. Eisenhower System of Interstate and Defense
 27 Highways."

28 SECTION 6.

29 Said title is further amended in subsection (c) of said Code Section 32-6-28 by striking
 30 paragraph (3) and inserting in lieu thereof the following:

31 "(3) ~~FOUR SIX MONTHS~~. The charges for the issuance of ~~four-month~~ six-month permits
 32 for loads of tobacco ~~whose widths do not exceed nine feet~~ or unginced cotton shall be
 33 \$25.00 per permit, ~~provided that such loads may not be operated on The Dwight D.~~
 34 ~~Eisenhower System of Interstate and Defense Highways.~~"

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SECTION 7.

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