

Senate Bill 577

By: Senator Tate of the 38th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 14 of Title 43 of the Official Code of Georgia Annotated, relating to
2 electrical contractors, plumbers, conditioned air contractors, low-voltage contractors, and
3 utility contractors, so as to provide for new provisions relating to the licensing of such
4 professionals; to provide for definitions; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

7 Chapter 14 of Title 43 of the Official Code of Georgia Annotated, relating to electrical
8 contractors, plumbers, conditioned air contractors, low-voltage contractors, and utility
9 contractors, is amended by deleting in their entirety the current provisions of said chapter and
10 inserting in lieu thereof a new Chapter 14 to read as follows:

11 style="text-align:center">"CHAPTER 14

12 43-14-1.

13 This chapter is enacted for the purpose of safeguarding home owners, other property
14 owners, tenants, and the general public against faulty, inadequate, inefficient, or unsafe
15 installations and fraudulent business practices. The practices of general contracting,
16 electrical contracting, air-conditioning contracting, utility contracting, and low-voltage
17 contracting declared to be businesses or professions affecting the public interest; and this
18 chapter shall be liberally construed so as to accomplish the purpose stated in this Code
19 section and so shall be designed to promote and encourage education of tradespeople, in
20 their respective trade, workplace safety, and work place health.

21 43-14-2.

22 As used in this chapter, the term:

1 (1) 'Alarm system' means any device or combination of devices used to detect a situation,
2 and provide notification, visual or audible, of a situation in the event of a burglary, fire,
3 robbery, medical emergency, or equipment failure or on the occurrence of any other
4 predetermined event.

5 (2) 'Board' means the State Construction Industry Licensing Board created by Code
6 Section 43-14-3.

7 (3) 'Business' means a person, persons, company, partnership, or corporation that has a
8 legal name, a legal address, and a legal registered agent that is registered with the
9 Secretary of State's office.

10 (4) 'Certificate of competency' means a valid and current certificate issued by a division
11 of the board created under Code Section 43-14-3, which certificate shall give the named
12 person to whom it is issued authority to engage in contracting of the kind described
13 therein.

14 (5) 'Chairperson' means a person elected by a division to preside over such division.

15 (6) 'Division' means one of the four divisions specified in subsection (c) of Code Section
16 43-14-3.

17 (7) 'Electrical contracting' means that which includes but is not limited to installing or
18 maintaining fixtures, appurtenances, electrical wires, electrical wiring systems, and
19 equipment that are used for light, heat, or power and installing and maintaining remote
20 control, signaling, power limited, or communication circuits or systems.

21 (8) 'Electrical contractor' means a person, persons, firm, partnership, company,
22 corporation, or other entity that offers to undertake, undertakes, submits a bid for, express
23 or implied, or does the work of installing or maintaining fixtures, appurtenances,
24 electrical wires, electrical wiring systems, or equipment that conveys electrical current.

25 (9) 'Electrical equipment' means any equipment or apparatus that directly uses, conducts,
26 or is operated by electricity but does not mean plug-in household appliances.

27 (10) 'General construction' means to construct, alter, repair, add to, subtract from,
28 improve, move, wreck or demolish, for another, any building, highway, road, railroad,
29 excavation, or other structure, project development, or improvement attached to real
30 estate.

31 (11) 'General system' means any electrical system, other than an alarm or
32 telecommunication system, involving low-voltage wiring.

33 (12) 'HVAC/refrigeration' means heating, ventilation, air conditioning, and refrigeration.

34 (13) 'HVAC/refrigeration component' means electrical power and limited energy
35 components within the HVAC/refrigeration system, including, but not limited to, pumps,
36 compressors, motors, heating coils, controls, switches, thermostats, humidistats,
37 low-voltage damper controls, outdoor sensing controls, outside air dampers, stand-alone

1 duct smoke detectors, air monitoring devices, zone control valves, and equipment for
2 monitoring of HVAC/refrigeration control panels and low-voltage connections. This
3 definition excludes equipment and components of non-HVAC/refrigeration control
4 systems.

5 (14) 'HVAC/refrigeration control panel' means an enclosed, manufactured assembly of
6 electrical components designed specifically for the control of a HVAC/refrigeration
7 system. Line voltage equipment that has low-voltage, NEC class 2 control or monitoring
8 components incidental to the designed purpose of the equipment is not an
9 HVAC/refrigeration control panel, e.g., combination starters.

10 (15) 'HVAC/refrigeration control system' means a network system regulating and
11 monitoring a HVAC/refrigeration system. Equipment of a HVAC/refrigeration control
12 system includes, but is not limited to, control panels, data centers, relays, contractors,
13 sensors, and cables related to the monitoring and control of a HVAC/refrigeration
14 systems.

15 (16) 'HVAC/refrigeration equipment' means the central unit primary to the function of
16 the HVAC/refrigeration system. HVAC/refrigeration includes, but is not limited to, heat
17 pumps, coolers, furnaces, compressor packages, and boilers.

18 (17) 'HVAC/refrigeration journeyman' means a person who has been issued a
19 journeyman HVAC/refrigeration license by the mechanical division of the board, which
20 license shall give the named person to whom it is issued authority to engage in the trade
21 of HVAC/refrigeration.

22 (18) 'HVAC/refrigeration system' means a system of HVAC/refrigeration equipment and
23 HVAC/refrigeration components integrated to generate, deliver, or control heated,
24 cooled, filtered, refrigerated, or conditioned air. This term includes equipment and
25 components integral with HVAC/refrigeration control systems, and line voltage branch
26 circuits, subfeeders, and disconnect switches supplying the HVAC/refrigeration system
27 shall not exceed 300 volts.

28 (19) 'Journeyman' means a person who has been issued a license by a division of the
29 board, which license shall give the named person to whom it is issued authority to engage
30 in the activity prescribed thereon.

31 (20) 'Journeyman pipefitter' means a person who has been issued a license by the
32 mechanical division of the board, which license shall give the named person to whom it
33 is issued authority to engage in the activity prescribed thereon.

34 (21) 'Journeyman plumber' means a person who has been issued a license by the
35 mechanical division of the board, which license shall give the named person to whom it
36 is issued authority to engage in the activity prescribed thereon.

1 (22) 'License' means a valid and current certificate of registration issued by a division
2 of the board, which certificate shall give the named person to whom it is issued authority
3 to engage in the activity prescribed thereon.

4 (23) 'Low-voltage contracting' means the installation, alteration, service, or repair of
5 alarm or general systems or low-voltage wiring systems.

6 (24) 'Low-voltage contractor' means a person or persons, firm, partnership, company,
7 corporation, or other entity that offers to undertake, undertakes, submits a bid for, express
8 or implied, or does the work of installing, servicing, repairing, or maintaining alarm or
9 general systems or low-voltage wiring systems.

10 (25) 'Low-voltage journeyman' means a person who has been issued a license by the
11 electrical division of the board, which license shall give the named person to whom it is
12 issued authority to engage in the activity prescribed thereon.

13 (26) 'Low-voltage wiring system' means:

14 (A) NEC, Class 1 power limited circuits at 30 volts maximum: Wiring systems of 30
15 volts or less and control circuits directly associated therein;

16 (B) NEC, Class 2 circuits powered by a Class 2 power supply as defined in Article
17 725-4 1(a) NEC: Wiring systems having its voltage in excess of 50 volts, provided such
18 systems consist solely of power limited circuits meeting the definition of a Class 2 and
19 Class 3 wiring system as defined in Article 725 of the NEC; or

20 (C) NEC, Class 3 circuits powered by a class power supply as defined in Article
21 725-41(a) NEC: Line voltage wiring having a voltage not in excess of 300 volts to
22 ground and installed from the load-side terminals of a suitable connecting means which
23 has been installed for the specific purpose of supplying the low-voltage wiring system
24 involved or installed from a suitable junction box which has been installed for such
25 specific purpose.

26 (27) 'Mechanical contractor' means a person, persons, firm, partnership, company,
27 corporation, or other entity that offers to undertake, undertakes, submits a bid for, express
28 or implied, or does the work of installing, servicing, repairing, or maintaining heating,
29 ventilation, air-conditioning or refrigeration equipment, process water systems, fire
30 suppression water systems, high and low-pressure water systems, high and low-pressure
31 pneumatic systems, and medical gas piping systems.

32 (28) 'Mechanical contractor specific classification' means:

33 (A) Mechanical contractor: plumbing;

34 (B) Mechanical contractor: pipefitting; and

35 (C) Mechanical contracting: HVAC/refrigeration.

1 (29) 'Pipefitting system' means fixtures, appliances, and appurtenances in connection
2 with process water systems, fire suppression water systems, high and low-pressure water
3 systems, high and low-pressure pneumatic systems, and medical gas piping systems.

4 (30) 'Plumber' means any individual engaging in the business of plumbing under express
5 or implied contract or who bids for, offers to perform, purports to have the capacity to
6 perform, or does perform plumbing contracting services under express or implied
7 contract.

8 (31) 'Plumbing' means the practice of installing, maintaining, altering, or repairing piping
9 fixtures, appliances, and appurtenances in connection with sanitary drainage or storm
10 drainage facilities, venting systems, medical gas piping systems, or public or private
11 water supply systems within or adjacent to any building, structure, or conveyance;
12 provided, however, that after July 1, 2003, only plumbers and journeyman plumbers who
13 have been certified by the Division of Mechanical Contractors to perform such tasks shall
14 be authorized to install, maintain, alter, or repair medical gas piping systems. The term
15 plumbing also includes the practice of and materials used in installing, maintaining,
16 extending, or altering the storm-water or sewerage and water supply systems of any
17 premises to their connection with any point of public disposal or other acceptable
18 terminal. Notwithstanding any other provision of this chapter, any person who holds a
19 valid plumbing license or any company which holds a valid utility contractor license shall
20 be qualified to construct, alter, or repair any plumbing system which extends from the
21 property line up to but not within five feet of any building, structure, or conveyance,
22 regardless of the cost or depth of any such plumbing system.

23 (32) 'Plumbing system' means plumbing fixtures, applicants, and appurtenances in
24 connection with sanitary drainage or storm drainage facilities, venting systems, or public
25 or private water supply systems.

26 (33) 'Residential contractor' means a person, persons, firm, partnership, company,
27 corporation, or other entity that offers to undertake, undertakes, submits a bid for, express
28 or implied, or does the work that requires the use of more than two unrelated building
29 trades or crafts whose work the contractor shall superintend or do in whole or in part in
30 the construction of single and multi-family dwellings not exceeding three levels above
31 grade or at single project cost not exceeding \$10,000.00.

32 (34) 'Residential homeowner' means an individual person or persons owning or leasing
33 real property.

34 (35) 'Residential homeowner contractor' means being his or her own contractor or
35 providing his or her own labor force an individual person or persons owning or leasing
36 real property:

1 (A) Upon which one single-family residence is to be built and in which the owner or
2 lessee intends to reside for a period of no less than 12 months upon completion of any
3 construction; or

4 (B) Upon which there is a single-family residence to which improvements are to be
5 made and in which the owner or lessee intends to reside for a period of no less than 12
6 months upon completion of any construction.

7 (36) 'Trainee' means a person who is learning a trade and works under the direct
8 supervision of a journeyman.

9 (37) 'Training certificate' means a certificate issued by a division of the board, which
10 certificate shall give the named person to whom it is issued authority to engage in the
11 activity prescribed while learning a trade.

12 (38) 'Underground utility system' means any system at least five feet underground, when
13 installed or accessed by trenching, open cut, cut and cover, or other similar construction
14 methods which install or access the system from the ground surface, including, but not
15 limited to, gas distribution systems, electrical distribution systems, communication
16 systems, water supply systems, sanitary sewerage and drainage systems, reservoirs and
17 filtration plants, water and waste-water treatment plants, leach collection and treatment
18 systems associated with landfills, and pump stations, when the system distributes or
19 collects a service, product, or commodity for which a fee or price is paid for said service,
20 product, or commodity or for the disposal of said service, product, or commodity.

21 (39) 'Utility' means a privately owned, publicly owned, or municipally owned or
22 operated gas distribution system, electrical distribution system, communications systems,
23 water supply system, sanitary sewerage system, and or drainage systems, provided for a
24 fee, to the general public.

25 (40) 'Utility contracting' means a person or persons, firm, partnership, company,
26 corporation, or other entity that offers to undertake, undertakes, submits a bid for, express
27 or implied, or does the work of installing, servicing, repairing, or maintaining
28 underground utility systems when individual project cost exceeds \$100,000.00.

29 (41) 'Utility contractor' means a person or persons, firm, partnership, company,
30 corporation, or other entity that offers to undertake, undertakes, submits a bid for, express
31 or implied, or does the work of installing, servicing, repairing, or maintaining
32 underground utility systems.

33 (42) 'Utility journeyman' means a person who has been issued a license by the Division
34 of Contractors, which license shall give the named person to whom it is issued authority
35 to engage in the activity prescribed thereon.

1 43-14-3.

2 (a) There is created within the executive branch of state government the State
3 Construction Industry Licensing Board. The board shall be assigned to the Secretary of
4 State's office for administrative purposes and shall be under the jurisdiction of the division
5 director. The board shall be composed of six members, four of whom shall be the
6 chairpersons elected to represent each of the four divisions created under this chapter and
7 two of whom shall be appointed by the Governor to serve at large, representing interests
8 in consumer affairs and consumer protection.

9 (b) The two at-large members shall not have any connection with the electrical contracting,
10 general contracting, residential contracting, mechanical contracting, plumbing, mechanical
11 contracting, pipefitting, mechanical contracting, HVAC/refrigeration, or low-voltage
12 contracting businesses whatsoever but shall have a recognized interest in consumer affairs
13 and consumer protection concerns.

14 (c) The four divisions shall be composed of 25 members as follows:

15 (1) Seven members known as the Division of Electrical Contractors, one of whom shall
16 be a consulting engineer engaged in electrical practice, one of whom shall be an electrical
17 engineer engaged in the practice of electrical construction, two of whom shall be
18 unrestricted electrical contractors engaged in the practice of electrical contracting
19 business, two of whom shall be unrestricted low-voltage contractors engaged in the
20 practice of low-voltage contracting business, and one of whom shall be the chief
21 electrical inspector of a county or municipality and shall have served in such office for
22 five years immediately preceding appointment to the board;

23 (2) Eight members known as the Division of Mechanical Contractors, one of whom shall
24 be a mechanical engineer engaged in the practice of plumbing construction, one of whom
25 shall be a mechanical engineer engaged in the practice of pipefitting construction, one of
26 whom shall be a mechanical engineer engaged in the practice of HVAC/refrigeration
27 construction, one of whom shall be an unrestricted plumbing contractor engaged in the
28 practice of plumbing contracting business, one of whom shall be a unrestricted pipefitting
29 contractor engaged in the practice of pipefitting contracting business, one of whom shall
30 be a unrestricted HVAC/refrigeration contractor engaged in the HVAC/refrigeration
31 contracting business, one of whom shall be the chief plumbing or pipefitting inspector of
32 a county or municipality and shall have served in such office for five years immediately
33 preceding appointment to the board, and one of whom shall be the chief
34 HVAC/refrigeration inspector of a county or municipality and shall have served in such
35 office for five years immediately preceding appointment to the board;

36 (3) Five members known as the Division of General contractors, one of whom shall be
37 a professional architectural engineer engaged in the practice of construction design, one

1 of whom shall be a structural engineer engaged in the practice of structural design, one
 2 of whom shall be a general contractor engaged in the practice of industrial or commercial
 3 general contracting business, one of whom shall be a residential general contractor
 4 engaged in the practice general contracting business, and one of whom shall be the chief
 5 building inspector of a county or municipality and shall have served in such office for
 6 five years immediately preceding appointment to the board; and

7 (4) Five members known as the Division of Utility Contractors, three of whom shall be
 8 utility contractors, one of whom shall be a registered professional engineer, and one of
 9 whom shall be an insurance company representative engaged primarily in the bonding of
 10 construction projects.

11 (d) All division and board members shall be appointed by the Governor subject to
 12 confirmation by the Senate for four-year terms.

13 (e) A member shall serve until a successor has been duly appointed and qualified.

14 (f) The Governor shall make appointments to fill the unexpired portions of any terms
 15 vacated for any reason. In making such appointments, the Governor shall preserve the
 16 composition of the board as required by this chapter. Members shall be eligible for
 17 reappointment.

18 (g) Any appointive member who, during his or her term, shall cease to meet the
 19 qualifications for original appointment shall thereby forfeit membership on the board.

20 (h) Each member of the board and the divisions shall take an oath of office before the
 21 Governor to faithfully perform the duties of such office.

22 (i) The Governor may remove any member for failure to attend meetings, neglect of duty,
 23 incompetence, revocation or suspension of professional trade license, or other dishonorable
 24 conduct.

25 (j) Members of the board and the divisions shall be reimbursed as provided for in
 26 subsection (f) of Code Section 43-1-2.

27 43-14-4.

28 (1) The board shall meet at the call of the division director or any division chairperson
 29 or upon the recommendation of a majority of its members.

30 (2) Each division shall elect from its membership a chairperson who shall serve for a
 31 term of two years. Any vacancy in the office of chairperson shall be filled by one of the
 32 members for the unexpired term.

33 (3) Any member elected chairperson of a division shall not serve more than two
 34 consecutive terms of office.

35 (4) Each division shall carry out its powers and duties provided for in this chapter with
 36 the assistance of the division director and staff of the board.

1 (5) Each division shall meet at the call of its chairperson.

2 (6) Three members of each division shall constitute a quorum for the transaction of
3 business of such division.

4 43-14-5.

5 The board shall have the power to:

6 (1) Request from the various state departments and other agencies and authorities of the
7 state and its political subdivisions and their agencies and authorities such available
8 information as it may require in its work; and all such agencies and authorities shall
9 furnish such requested available information to the board within a reasonable time;

10 (2) Provide by regulation for reciprocity with other states in the registration and licensing
11 of electrical contractors, journeymen electricians, general contractors
12 (industrial/commercial), general contractors (residential), mechanical contractors
13 (plumbing), journeymen plumbers, mechanical contractors (pipefitting), journeymen
14 pipefitters, mechanical contractors (HVAC/refrigeration), HVAC/refrigeration
15 journeymen, low-voltage contractors, low-voltage journeymen, utility contractors, and
16 utility journeymen, provided that such other states have requirements substantially equal
17 to the requirements in force in this state for registration, licensure, and certification;
18 provided, further, that a similar privilege is offered to residents of this state;

19 (3) Adopt an official seal for its use and change it at pleasure;

20 (4) Establish the policies for regulating the businesses of electrical contracting, general
21 contracting, mechanical contracting (plumbing), mechanical contracting (pipefitting)
22 mechanical contracting (HVAC/refrigeration), low-voltage contracting, and utility
23 contracting;

24 (5) Determine qualifications for licensure or certification including such experience
25 requirements as a division deems necessary; and

26 (6) Promulgate and adopt rules and regulations necessary to carry out this chapter.

27 43-14-6.

28 (a) The Division of Electrical Contractors, with respect to applicants for a license to
29 engage in or licensees engaging in the business of electrical contractor or journeyman
30 electrician, low-voltage contractor or low-voltage journeyman; the Division of General
31 Contractors, with respect to applicants for a license in or licensees engaging in the business
32 of general construction as a general contractor (industrial/commercial) or general
33 contractor (residential); the Division of Mechanical Contractors (plumbing), with respect
34 to applicants for a license to engage in or licensees engaging in the business of plumbing
35 as contractor or journeyman plumber; the Division of Mechanical Contractors (pipefitting),

1 with respect to applicants for a license to engage in or licensees engaging in the business
2 of pipefitting as a contractor or journeyman pipefitter; the Division of Mechanical
3 Contractors (HVAC/refrigeration), with respect to applicants for a license in or licensees
4 engaging in the business of HVAC/refrigeration or HVAC/refrigeration journeymen, the
5 Division of Utility Contractors, with respect to applicants for a license in or licensees
6 engaging in the business of utility contracting or utility journeyman, shall:

7 (1) Approve examinations for all applicants for licenses or certificates. The Division of
8 Electrical Contractors shall approve separate examinations for Class I and Class II
9 licenses and journeymen electrician licenses. Class I licenses shall be restricted to
10 electrical contracting involving single-phase electrical installations which do not exceed
11 200 amperes at the service drop or the service lateral and single-family dwellings not
12 exceeding 800 amperes; Class II licenses shall be unrestricted; and the journeyman
13 electrician license shall be restricted to the trade of electrical construction. The Division
14 of General Contractors shall approve separate examinations for Class I and Class II
15 licenses. Class I contractors (residential) licenses shall be restricted to single and
16 multi-family dwellings not to exceed three levels above grade or single project cost not
17 exceeding \$10,000.00, and Class II contractors (industrial/commercial) licenses shall be
18 unrestricted. The Division of Mechanical Contractors (plumbing) shall approve separate
19 examinations for Class I and Class II licenses and journeyman plumbers licenses. Class
20 I contractors licenses shall be restricted to plumbing involving single-family dwellings
21 and one-level dwellings designed for not more than two families and commercial
22 structures not to exceed 10,000 square feet in area; Class II licenses shall be unrestricted;
23 and the journeyman plumbers licenses shall be restricted to the trade of plumbing
24 construction. The Division of Mechanical Contractors (pipefitting) shall approve separate
25 examinations for Class I licenses and journeyman pipefitter licenses. Class I contractors
26 licenses shall be unrestricted, and the journeyman pipefitters licenses shall be restricted
27 to the trade of pipefitting construction. The Division of Mechanical contractors
28 (HVAC/refrigeration) shall approve separate examinations for Class I and Class II
29 licenses and HVAC/refrigeration journeyman licenses. Class I contractors licenses shall
30 be restricted to the installation, repair, or service of HVAC/refrigeration air systems or
31 equipment not exceeding 175,000 BTU (net) of heating and five tons (60,000 BTU) of
32 cooling; Class II contractors licenses shall be unrestricted; and HVAC/refrigeration
33 journeyman licenses shall be restricted to the trade of HVAC/refrigeration construction.
34 The Division of Electrical Contractors shall approve separate examinations for
35 Low-voltage Contractor Class LV-A, Low-voltage Contractor Class LV-G, Low-Voltage
36 Contractor Class LV-T, Low-voltage Contractor Class LV-U, and Low-voltage
37 Contractor licenses and Low-voltage journeyman licenses. Class LV-G and Class LV-A

1 licenses shall be restricted to alarm and general system low-voltage contracting; Class
 2 LV-T licenses shall be restricted to telecommunication and general system low-voltage
 3 contracting; Class LV-G licenses shall be restricted to general system low-voltage
 4 contracting; and Class LV-U licenses shall be unrestricted and permit the performance
 5 of alarm, telecommunication, and general system low-voltage contracting, Low-voltage
 6 journeyman licenses shall be restricted to the trade of low-voltage construction. The
 7 Division of Utility Contractors shall approve separate examinations for Class I and Class
 8 II licenses and utility journeyman licenses. Class I licenses shall be restricted to single
 9 project cost not exceeding \$100,000.00; Class II licenses shall be unrestricted; and utility
 10 journeyman licenses shall be restricted to the trade of utility construction;

11 (2) Register and license or grant a certificate and issue renewal licenses and renewal
 12 certificates biennially to all persons meeting the qualifications for a license or certificate.

13 The following licenses or certificates shall be issued by the divisions:

- 14 (A) Electrical Contractor Class I;
- 15 (B) Electrical Contractor Class II;
- 16 (C) Journeyman Electrician;
- 17 (D) General Contractor Class I;
- 18 (E) General Contractor Class II;
- 19 (F) Mechanical Contractor: Plumbing, Class I;
- 20 (G) Mechanical Contractor: Plumbing Class II;
- 21 (H) Journeyman Plumber;
- 22 (I) Mechanical Contractor: Pipefitting Class I;
- 23 (J) Journeyman Pipefitter;
- 24 (K) Mechanical Contractor: HVAC/refrigeration Class I;
- 25 (L) Mechanical Contractor: HV AC/refrigeration Class II;
- 26 (M) HVAC/refrigeration Journeyman;
- 27 (N) Low-voltage Contractor Class LV-A;
- 28 (O) Low-voltage Contractor Class LV-T;
- 29 (P) Low-voltage Contractor Class LV-G;
- 30 (Q) Low-voltage Contractor Class LV-U;
- 31 (R) Utility Contractor; Class I;
- 32 (S) Utility Contractor; Class II; and
- 33 (T) Utility Journeyman.

34 Each division shall be directed by the division director to develop, create, and administer
 35 rules and regulations for trainees wanting to learn a construction trade. To ensure proper
 36 field training of a trainee, each division shall adopt a working ratio of trainees to
 37 journeymen not to exceed six trainees to one journeyman.

- 1 (3) Require submission of the following:
- 2 (A) Corporate registration, listing the business address, including the owners, partners,
3 or officers of the applicant;
- 4 (B) Federal employee registration certificate;
- 5 (C) Georgia employee registration certificate;
- 6 (D) Certificate of insurance (workers' compensation); and
7 (D) Surety bond;
- 8 (4) Investigate, with the aid of the division director, alleged violations of this chapter or
9 other laws and rules and regulations of the board relating to a profession;
- 10 (5) After notice and hearing, have the power to reprimand any person, licensee, or
11 certificate holder or to suspend, revoke, or cancel the license or certificate of or refuse to
12 grant, renew, or restore a license or certificate to any person, licensee, or certificate
13 holder upon any one of the following grounds:
- 14 (A) The commission of any false, fraudulent, or deceitful act or the use of any forged,
15 false, or fraudulent document in connection with the license or certificate requirements
16 of this chapter or the rules and regulations of the board;
- 17 (B) Failure at any time to comply with the requirements for a license or certificate
18 under this chapter or the rules and regulations of the board;
- 19 (C) Habitual intemperance in the use of alcoholic spirits, narcotics, or stimulants to
20 such an extent as to render the licensee or certificate holder unsafe or unfit to practice
21 any profession licensed or certified under this chapter;
- 22 (D) Engaging in any dishonorable or unethical conduct likely to deceive, defraud, or
23 harm the public;
- 24 (E) Knowingly performing any act which in any way assists an unlicensed or
25 noncertified person to practice such profession;
- 26 (F) Violating, directly or indirectly, or assisting in or abetting any violation of any
27 provision of this chapter or any rule or regulation of the board;
- 28 (G) The performance of any faulty, inadequate, inefficient, or unsafe electrical,
29 mechanical (plumbing), mechanical (pipefitting), mechanical (HVAC/refrigeration),
30 low-voltage, or utility contracting work likely to endanger life, health, or property. The
31 performance of any work that does not comply with the standards set by state codes or
32 by local codes in jurisdictions where such codes are adopted, provided that such local
33 codes are as stringent as the state codes, or by other codes or regulations which have
34 been adopted by the board, shall be prima-facie evidence of the faulty, inadequate,
35 inefficient, or unsafe character of such electrical, mechanical (plumbing), mechanical
36 (pipefitting), mechanical (HVAC/refrigeration), low-voltage, or utility contracting
37 work; provided, however, that the board, in its sole discretion, for good cause shown

1 and under such conditions as it may prescribe, may restore a license to any person
2 whose license has been suspended or revoked;

3 (H) With respect to utility contractors, the bidding by such a utility contractor in excess
4 of license coverage; or

5 (I) With respect to utility contractors, violations of Chapter 9 of Title 25;

6 (6) Review amendments to or revisions in the state minimum standard codes as prepared
7 pursuant to Part 1 of Article 1 of Chapter 2 of Title 8; and the Department of Community
8 Affairs shall be required to provide to the division director a copy of any amendment to
9 or revision in the state minimum standard codes at least 45 days prior to the adoption
10 thereof; and

11 (7) Do all other things necessary and proper to exercise their powers and perform their
12 duties in accordance with this chapter.

13 (b) A division of the board may also provide, by rules and regulations, for the issuance of
14 certificates of competency pertaining to financial responsibility and financial disclosure;
15 provided, however, that such rules and regulations are adopted by the board. A division
16 shall issue certificates of competency and renewal certificates to persons meeting the
17 qualifications therefor.

18 (c) A division of the board shall also hear appeals resulting from the suspension of licenses
19 by approved municipal or county licensing or inspection authorities pursuant to Code
20 Section 43-14-15.

21 (d)(1) With respect to electrical contractors Class I and Class II licenses, journeyman
22 electrician licenses, and training certificates, the Division of Electrical Contractors shall
23 be authorized to require persons seeking renewal of certificates and licenses to complete
24 board approved continuing education of not more than eight hours annually. A division
25 shall be authorized to approve courses offered by institutions of higher learning,
26 vocational- technical schools, and trade, technical, or professional organizations; provided,
27 however, that continuing education courses or programs related to electrical construction
28 provided or conducted by public utilities, equipment manufacturers, or institutions under
29 the State Board of Technical and Adult Education shall constitute acceptable continuing
30 professional education programs for the purposes of this subsection. Continuing education
31 courses or programs shall be based on:

32 (A) The currently adopted edition of the National Electrical Code;

33 (B) Currently adopted administrative business rules and government regulations;

34 (C) Materials and methods as they pertain to electrical construction, building
35 management systems, and electrical management systems; and

36 (D) Workplace health and safety.

1 Courses or programs conducted by manufacturers specifically to promote their products
2 shall not be approved.

3 (2) All provisions of this subsection relating to continuing professional education shall
4 be administered by the division.

5 (3) The division shall be authorized to promulgate rules and regulations to implement
6 and ensure compliance with the requirements of this subsection.

7 (4) The continuing education requirements of this subsection shall not be required of any
8 licensed electrical contractor or low-voltage contractor who is a registered professional
9 electrical engineer.

10 (e)(1) With respect to general contractors Class I and Class II licenses, the Division of
11 General Contractors shall be authorized to require persons seeking renewal of certificates
12 and licenses to complete board approved continuing education of not more than eight
13 hours annually. The division shall be authorized to approve courses offered by
14 institutions of higher learning, vocational-technical schools, and trade, technical, or
15 professional organizations; provided, however, that continuing education courses or
16 programs related to general construction provided or conducted by public utilities,
17 equipment manufacturers, or institutions under the State Board of Technical and Adult
18 Education shall constitute acceptable continuing professional education programs for the
19 purposes of this subsection. Continuing education courses or programs shall be based on:

- 20 (A) The currently adopted edition of the National Building Standards and Code;
21 (B) Currently adopted administrative business rules and government regulations;
22 (C) Materials and methods as they pertain to general construction and building
23 management systems; and
24 (D) Workplace health and safety.

25 Courses or programs conducted by manufacturers specifically to promote their products
26 shall not be approved.

27 (2) All provisions of this subsection relating to continuing professional education shall
28 be administered by the division.

29 (3) The division shall be authorized to promulgate rules and regulations to implement
30 and ensure compliance with the requirements of this subsection.

31 (f)(1) With respect to mechanical contractors (plumbing) Class I and Class II licenses,
32 journeyman plumber licenses, and training certificates, the Division of Mechanical
33 Contractors (Plumbing) shall be authorized to require persons seeking renewal of
34 certificates and licenses to complete board approved continuing education of not more
35 than eight hours annually. The division shall be authorized to approve courses, offered
36 by institutions of higher learning, vocational-technical schools, and trade, technical, or
37 professional organizations; provided, however, that continuing education courses or

1 programs related to general construction provided or conducted by public utilities,
 2 equipment manufacturers, or institutions under the State Board of Technical and Adult
 3 Education shall constitute acceptable continuing professional education programs for the
 4 purposes of this subsection. Continuing education courses or programs shall be based on:

- 5 (A) The currently adopted edition of the National Plumbing Standards and Code;
- 6 (B) Currently adopted administrative business rules and government regulations;
- 7 (C) Materials and methods as they pertain to plumbing construction, building
 8 management systems, and plumbing systems; and
- 9 (D) Workplace health and safety.

10 Courses or programs conducted by manufacturers specifically to promote their products
 11 shall not be approved.

12 (2) All provisions of this subsection relating to continuing professional education shall
 13 be administered by the division.

14 (3) The division shall be authorized to promulgate rules and regulations to implement
 15 and ensure compliance with the requirements of this subsection.

16 (4) The continuing education requirements of this subsection shall not be required of any
 17 licensed mechanical contractor who is a registered professional mechanical engineer.

18 (g)(1) With respect to mechanical contractors (pipefitting) unrestricted licenses,
 19 journeyman licenses and training certificates, the Division of Mechanical Contractors
 20 (pipefitting) shall be authorized to require persons seeking renewal of certificates and
 21 licenses to complete approved continuing education of not more than eight hours
 22 annually. The division shall be authorized to approve courses offered by institutions of
 23 higher learning, vocational-technical schools, and trade, technical, or professional
 24 organizations; provided, however, that continuing education courses or programs related
 25 to general construction provided or conducted by public utilities, equipment
 26 manufacturers, or institutions under the State Board of Technical and Adult Education
 27 shall constitute acceptable continuing professional education programs for the purposes
 28 of this subsection. Continuing education courses or programs shall be based on:

- 29 (A) The currently adopted edition of the National Piping and Gas Standards and Code;
- 30 (B) Currently adopted administrative business rules and government regulations;
- 31 (C) Materials and methods as they pertain to pipefitting, building management systems
 32 and pipefitting systems; and
- 33 (D) Workplace health and safety.

34 Courses or programs conducted by manufacturers specifically to promote their products
 35 shall not be approved.

36 (2) All provisions of this subsection relating to continuing professional education shall
 37 be administered by the division.

1 (3) The division shall be authorized to promulgate rules and regulations to implement
2 and ensure compliance with the requirements of this subsection.

3 (h)(1) With respect to mechanical contractors (HVAC/refrigeration) Class I and Class
4 II licenses, HVAC/refrigeration journeyman licenses, and training certificates, the
5 Division of Mechanical Contractors (HVAC/refrigeration) shall be authorized to require
6 persons seeking renewal of certificates and licenses to complete board approved
7 continuing education of not more than eight hours annually. The division shall be
8 authorized to approve courses offered by institutions of higher learning,
9 vocational-technical schools, and trade, technical, or professional organizations;
10 provided, however, that continuing education courses or programs related to general
11 construction provided or conducted by public utilities, equipment manufacturers, or
12 institutions under the State Board of Technical and Adult Education shall constitute
13 acceptable continuing professional education programs for the purposes of this
14 subsection. Continuing education courses or programs shall be based on:

15 (A) The currently adopted edition of the National HVAC and Refrigeration Standards
16 and Code;

17 (B) Currently adopted administrative business rules and government regulations;

18 (C) Materials and methods as they pertain to HVAC and refrigeration of building
19 management systems; and

20 (D) Workplace health and safety.

21 Courses or programs conducted by manufacturers specifically to promote their products
22 shall not be approved.

23 (2) All provisions of this subsection relating to continuing professional education shall
24 be administered by the division.

25 (3) The division shall be authorized to promulgate rules and regulations to implement
26 and ensure compliance with the requirements of this subsection.

27 (4) The continuing education requirements of this subsection shall not be required of any
28 certified HVAC/refrigeration contractor who is a registered professional mechanical
29 engineer.

30 (i)(1) With respect to low-voltage contractor Class LV-A, Class LV-T, Class LV-G, and
31 Class LV-U licenses, low-voltage journeyman licenses, and training certificates, the
32 Division of Electrical Contractors shall be authorized to require persons seeking renewal
33 of certificates and licenses to complete board approved continuing education of not more
34 than eight hours annually. The division shall be authorized to approve courses offered
35 by institutions of higher learning, vocational-technical schools, and trade, technical, or
36 professional organizations; provided, however, that continuing education courses or
37 programs related to electrical construction provided or conducted by public utilities,

1 equipment manufacturers, or institutions under the State Board of Technical and Adult
2 Education shall constitute acceptable continuing professional education programs for the
3 purposes of this subsection. Continuing education courses or programs shall be based
4 on:

- 5 (A) The currently adopted edition of the National Electrical Code;
- 6 (B) Currently adopted administrative business rules and government regulations;
- 7 (C) Materials and methods as they pertain to electrical and low-voltage construction
8 and electrical management systems; and
- 9 (D) Workplace health and safety.

10 Courses or programs conducted by manufacturers specifically to promote their products
11 shall not be approved.

12 (2) All provisions of this subsection relating to continuing professional education shall
13 be administered by the division.

14 (3) The division shall be authorized to promulgate rules and regulations to implement
15 and ensure compliance with the requirements of this subsection.

16 (4) The continuing education requirements of this subsection shall not be required of
17 any certified low-voltage contractor who is a registered professional electrical engineer.

18 (j)(1) With respect to utility contractors Class I and Class II licenses, journeyman
19 licenses, and training certificates, the Division of Utility Contractors shall be authorized
20 to require persons seeking renewal of certificates and licenses to complete board
21 approved continuing education of not more than eight hours annually. The division shall
22 be authorized to approve courses offered by institutions of higher learning,
23 vocational-technical schools, and trade, technical, or professional organizations;
24 provided, however, that continuing education courses or programs related to utility
25 construction provided or conducted by public utilities, equipment manufacturers, or
26 institutions under the State Board of Technical and Adult Education shall constitute
27 acceptable continuing professional education programs for the purposes of this
28 subsection. Continuing education courses or programs shall be based on:

- 29 (A) The currently adopted edition of the National Mining and Trenching Standards and
30 Code;
- 31 (B) Currently adopted administrative business rules and government regulations;
- 32 (C) Materials and methods as they pertain to underground utilities and underground
33 utility systems; and
- 34 (D) Workplace health and safety.

35 Courses or programs conducted by manufacturers specifically to promote their products
36 shall not be approved.

1 (2) All provisions of this subsection relating to continuing professional education shall
2 be administered by the division.

3 (3) The division shall be authorized to promulgate rules and regulations to implement
4 and ensure compliance with the requirements of this subsection.

5 (k) The board shall notify each local government in this state of the provisions of this Code
6 section.

7 43-14-7.

8 (a) All orders and processes of the board and the divisions of the board shall be signed and
9 attested by the division director; and any notice or legal process necessary to be served
10 upon the board or the divisions may be served upon the chairperson.

11 (b) The division director or his or her designee is vested with the power and authority to
12 make such investigations in connection with the enforcement of this chapter and the rules
13 and regulations of the board as he or she, the board, the divisions of the board, or any
14 district attorney may deem necessary or advisable.

15 43-14-8.

16 (a) For purposes of this Code section only, 'division' means the Division of Electrical
17 Contractors.

18 (b) No person shall engage in the electrical contracting or low-voltage business as an
19 electrical contractor or low-voltage contractor unless such person has a valid license from
20 the Division of Electrical Contractors and a certificate of competency, if such certificates
21 are issued by the division pursuant to subsection (b) of Code Section 43-14-6.

22 (c) No person shall engage in the trade of electrical construction as a journeyman
23 electrician unless such person has a valid license from the Division of Electrical
24 Contractors.

25 (d) No person shall engage in the trade of low-voltage construction as a low-voltage
26 journeyman unless such person has a valid license from the Division of Electrical
27 Contractors. No person shall engage in learning the trade of electrical construction unless
28 such person has a valid certificate from the Division of Electrical Contractors.

29 (e) A person who is not licensed as an electrical contractor shall be prohibited from
30 advertising in any manner that such person is in the business or profession of an electrical
31 contractor unless the work is performed by a licensed electrical contractor.

32 (f) In order to protect the public from damages arising from any work by a licensed
33 electrical contractor which work fails to comply with the ordinances or building and
34 construction codes adopted by any county or municipal corporation, the electrical
35 contractor shall execute and deposit with the Secretary of State a bond in the sum of

1 \$20,000.00. Such bond shall be a cash bond of \$20,000.00 or executed by a surety
2 authorized and qualified to write surety bonds in the State of Georgia and shall be approved
3 by the Secretary of State's office. Such bond shall be conditioned upon all work being
4 done or supervised by such licensee complying with the provisions of any ordinances or
5 building and construction codes of any county or municipal corporation wherein the work
6 is performed. Action on such bond may be brought against the principal and surety thereon
7 in the name of and for the benefit of any person who suffers damages as a consequence of
8 said licensee's work not conforming to the requirements of any ordinances or building and
9 construction codes; provided, however, that the aggregate liability of the surety to all
10 persons so damaged shall in no event exceed the sum of such bond.

11 (g) Notwithstanding any other provision of this chapter, prior to and including July 1,
12 2004, the following persons, desiring to qualify under the provisions stated in this Code
13 section, shall be issued a state-wide license without restriction by the division, provided
14 that such individual submits proper application and pays or has paid the required fees and
15 is not otherwise in violation of this chapter:

16 (1) Any individual holding a license issued by the State Construction Industry Licensing
17 Board prior to July 1, 2003;

18 (2) Any individual holding a license issued by the State Board of Electrical Contractors;

19 (3) Any individual holding a license to engage in such vocation issued to him or her by
20 any governing authority of any political subdivision; and

21 (4) Any individual who has successfully and efficiently engaged in such vocation in a
22 local jurisdiction, which did not issue local licenses, for a period of at least two
23 consecutive years immediately prior to the time of application. To prove that he or she
24 has successfully engaged in said vocation, the individual shall only be required to give
25 evidence of three successful jobs completed over such period. Such applicant shall swear
26 before a notary public that such evidence is true and accurate prior to its submission to
27 the division.

28 (h) The decision of the division as to the necessity of taking the examination or as to the
29 qualifications of applicants taking the required examination shall, in the absence of fraud,
30 be conclusive.

31 (i) All individuals, partnerships, limited liability companies, or corporations desiring to
32 engage in such vocation after July 1, 2004, shall take the examination and qualify under
33 this chapter before engaging in such vocation or business, including such vocation or
34 business at the local level.

35 (j) No partnership, limited liability company, or corporation shall have the right to engage
36 in the business of electrical contracting unless there is regularly connected with such
37 partnership, limited liability, company, or corporation a person or persons actually engaged

1 in the performance of such business on a full-time basis who have valid licenses issued to
2 them as provided for in this chapter.

3 (k) It shall be the duty of all partnerships, limited liability companies, and corporations
4 qualified under this chapter to notify the division immediately of the severance of
5 connection with such partnership, limited liability company, or corporation of any person
6 or persons upon whom such qualification rested.

7 (l) All applicants for examinations and licenses provided for by this Code section and all
8 applicants for renewal of licenses under this Code section shall be required to fill out a
9 form which shall be provided by the division, which form shall show whether or not the
10 applicant is an individual, partnership, limited liability company, or corporation and, if a
11 partnership, limited liability company, or corporation, the names and addresses of the
12 partners or members or the names and addresses of the officers, when and where formed
13 or incorporated, and such other information as the division may require. All forms of
14 applications for renewal of licenses shall also show whether or not the applicant, if it is a
15 partnership, limited liability company, or corporation, still has connected with it a duly
16 qualified person holding a license issued by the division.

17 (m) The board shall notify each local governing authority in this state of the provisions of
18 this Code section relating to licensure. The board shall notify such governing authorities
19 that after July 1, 2004, any person desiring a license to engage in a profession covered by
20 this Code section shall be required to pass an examination as provided in this Code section.

21 (n) Any applicant for licensure standing the examination on and after July 1, 2004, who
22 fails the examination for licensure twice after such date shall be required to present
23 satisfactory evidence to the division that the applicant has completed a board approved
24 review course before such applicant will be admitted to a third examination. If such
25 applicant fails the examination a third time, the applicant shall not be required to complete
26 additional board approved review courses prior to taking subsequent examinations.

27 43-14-9.

28 (a) For purposes of this Code section only, 'division' means the Division of General
29 Contractors.

30 (b) No person shall engage in the general contracting business as a general contractor
31 unless such person has a valid license from the Division of General Contractors and a
32 certificate of competency, if such certificates are issued by the division pursuant to
33 subsection (b) of Code Section 43-14-6.

34 (c) A person who is not licensed as a general contractor shall be prohibited from
35 advertising in any manner that such person is in the business or profession of a general
36 contractor unless the work is performed by a licensed general contractor.

1 (d) In order to protect the public from damages arising from any work by a licensed
2 general contractor which work fails to comply with the ordinances or building and
3 construction codes adopted by any county or municipal corporation, a general contractor
4 (industrial/commercial) shall execute and deposit with the Secretary of State a bond in the
5 sum of \$250,000.00 and a general contractor (residential) shall execute and deposit with
6 the Secretary of State's office a bond in the sum of \$50,00.00. Such bond shall be a cash
7 bond or executed by a surety authorized and qualified to write surety bonds in the State of
8 Georgia and shall be approved by the Secretary of State's office. Such bond shall be
9 conditioned upon all work being done or supervised by such licensee complying with the
10 provisions of any ordinances or building and construction codes of any county or municipal
11 corporation wherein the work is performed. Action on such bond may be brought against
12 the principal and surety thereon in the name of and for the benefit of any person who
13 suffers damages as a consequence of said licensee's work not conforming to the
14 requirements of any ordinances or building and construction codes; provided, however, that
15 the aggregate liability of the surety to all persons so damaged shall in no event exceed the
16 sum of such bond.

17 (e) Notwithstanding any other provision of this chapter, prior to and including July 1,
18 2004, the following persons, desiring to qualify under the provisions stated in this Code
19 section, shall be issued a state-wide license without restriction by the division, provided
20 that such individual submits proper application and pays or has paid the required fees and
21 is not otherwise in violation of this chapter:

22 (1) Any individual holding a license issued by the State Construction Industry Licensing
23 Board, prior to July 1, 2003;

24 (2) Any individual holding a license issued by the State Board of General Contractors;

25 (3) Any individual holding a license to engage in such vocation issued to him or her by
26 any governing authority of any political subdivision; and

27 (4) Any individual who has successfully and efficiently engaged in such vocation in a
28 local jurisdiction, which did not issue local licenses, for a period of at least two
29 consecutive years immediately prior to the time of application. To prove that he or she
30 has successfully engaged in said vocation, the individual shall only be required to give
31 evidence of five successful jobs completed over such period. Such applicant shall swear
32 before a notary public that such evidence is true and accurate prior to its submission to
33 the division.

34 (f) The decision of the division as to the necessity of taking the examination or as to the
35 qualifications of applicants taking the required examination shall, in the absence of fraud,
36 be conclusive.

1 (g) All individuals, partnerships, limited liability companies, or corporations desiring to
2 engage in such vocation after July 1, 2004, shall take the examination and qualify under
3 this chapter before engaging in such vocation or business, including such vocation or
4 business at the local level.

5 (h) No partnership, limited liability company, or corporation shall have the right to engage
6 in the business of general contracting unless there is regularly connected with such
7 partnership, limited liability, company, or corporation a person or persons actually engaged
8 in the performance of such business on a full-time basis who have valid licenses issued to
9 them as provided for in this chapter.

10 (i) It shall be the duty of all partnerships, limited liability companies, and corporations
11 qualified under this chapter to notify the division immediately of the severance of
12 connection with such partnership, limited liability company, or corporation of any person
13 or persons upon whom such qualification rested.

14 (j) All applicants for examinations and licenses provided for by this Code section and all
15 applicants for renewal of licenses under this Code section shall be required to fill out a
16 form which shall be provided by the division, which form shall show whether or not the
17 applicant is an individual, partnership, limited liability company, or corporation and, if a
18 partnership, limited liability company, or corporation, the names and addresses of the
19 partners or members or the names and addresses of the officers, when and where formed
20 or incorporated, and such other information as the division may require. All forms of
21 applications for renewal of licenses shall also show whether or not the applicant, if it is a
22 partnership, limited liability company, or corporation, still has connected with it a duly
23 qualified person holding a license issued by the division.

24 (k) The board shall notify each local governing authority in this state of the provisions of
25 this Code section relating to licensure. The board shall notify such governing authorities
26 that after July 1, 2004, any person desiring a license to engage in a profession covered by
27 this Code section shall be required to pass an examination as provided in this Code section.

28 (l) Any applicant for licensure standing the examination, who fails the examination for
29 licensure twice after such date shall be required to present satisfactory evidence to the
30 division that the applicant has completed a board approved review course before such
31 applicant will be admitted to a third examination. If such applicant fails the examination
32 a third time, the applicant shall not be required to complete additional board approved
33 review courses prior to taking subsequent examinations.

34 43-14-10.

35 (a) For purposes of this Code section only, 'division' means the Division of Mechanical
36 Contractors.

1 (b) No person shall engage in the mechanical contracting business as a mechanical
2 contractor (plumbing), mechanical contractor (pipefitting), or mechanical contractor
3 (HVAC/refrigeration) unless such person has a valid license from the Division of
4 Mechanical Contractors and a certificate of competency, if such certificates are issued by
5 the division pursuant to Code Section 43-14-6.

6 (c) No person shall engage in the trade of mechanical construction (plumbing) as a
7 journeyman plumber unless such person has a valid license from the Division of
8 Mechanical Contractors.

9 (d) No person shall engage in the trade of mechanical construction (pipefitting) as a
10 journeyman pipefitter unless such person has a valid license from the Division of
11 Mechanical Contractors.

12 (e) No person shall engage in the trade of mechanical construction (HVAC/refrigeration)
13 as a HVAC/refrigeration journeyman unless such person has a valid license from the
14 Division of Mechanical Contractors.

15 (f) No person shall engage in learning of the trade of mechanical construction unless such
16 person has a valid certificate from the Division of Mechanical Contractors.

17 (g) A person who is not licensed as a mechanical contractor shall be prohibited from
18 advertising in any manner that such person is in the business or profession of a mechanical
19 contractor unless the work is performed by a licensed mechanical contractor.

20 (h) In order to protect the public from damages arising from any work by a licensed
21 mechanical contractor which work fails to comply with the ordinances or building and
22 construction codes adopted by any county or municipal corporation, the mechanical
23 contractor shall execute and deposit with the Secretary of State a bond in the sum of
24 \$20,000.00. Such bond shall be a cash bond of \$20,000.00 or executed by a surety
25 authorized and qualified to write surety bonds in the State of Georgia and shall be approved
26 by the Secretary of State's office. Such bond shall be conditioned upon all work being
27 done or supervised by such licensee complying with the provisions of any ordinances or
28 building and construction codes of any county or municipal corporation wherein the work
29 is performed. Action on such bond may be brought against the principal and surety thereon
30 in the name of and for the benefit of any person who suffers damages as a consequence of
31 said licensee's work not conforming to the requirements of any ordinances or building and
32 construction codes; provided, however, that the aggregate liability of the surety to all
33 persons so damaged shall in no event exceed the sum of such bond.

34 (i) Notwithstanding any other provision of this chapter, prior to and including July 1, 2004,
35 the following persons, desiring to qualify under the provisions stated in this Code section,
36 shall be issued a state-wide license without restriction by the division, provided that such

1 individual submits proper application and pays or has paid the required fees and is not
2 otherwise in violation of this chapter:

3 (1) Any individual holding a license issued by the State Construction Industry Licensing
4 Board, prior to July 1, 2003;

5 (2) Any individual holding a license issued by the State Board of Mechanical
6 Contractors;

7 (3) Any individual holding a license to engage in such vocation issued to him or her by
8 any governing authority of any political subdivision; and

9 (4) Any individual who has successfully and efficiently engaged in such vocation in a
10 local jurisdiction, which did not issue local licenses, for a period of at least two
11 consecutive years immediately prior to the time of application. To prove that he or she
12 has successfully engaged in said vocation, the individual shall only be required to give
13 evidence of three successful jobs completed over such period. Such applicant shall swear
14 before a notary public that such evidence is true and accurate prior to its submission to
15 the division.

16 (j) The decision of the division as to the necessity of taking the examination or as to the
17 qualifications of applicants taking the required examination shall, in the absence of fraud,
18 be conclusive.

19 (k) All individuals, partnerships, limited liability companies, or corporations desiring to
20 engage in such vocation after July 1, 2004, shall take the examination and qualify under
21 this chapter before engaging in such vocation or business, including such vocation or
22 business at the local level.

23 (l) No partnership, limited liability company, or corporation shall have the right to engage
24 in the business of mechanical contracting unless there is regularly connected with such
25 partnership, limited liability, company, or corporation a person or persons actually engaged
26 in the performance of such business on a full-time basis who have valid licenses issued to
27 them as provided for in this chapter.

28 (m) It shall be the duty of all partnerships, limited liability companies, and corporations
29 qualified under this chapter to notify the division immediately of the severance of
30 connection with such partnership, limited liability company, or corporation of any person
31 or persons upon whom such qualification rested.

32 (n) All applicants for examinations and licenses provided for by this Code section and all
33 applicants for renewal of licenses under this Code section shall be required to fill out a
34 form which shall be provided by the division, which form shall show whether or not the
35 applicant is an individual, partnership, limited liability company, or corporation and, if a
36 partnership, limited liability company, or corporation, the names and addresses of the
37 partners or members or the names and addresses of the officers, when and where formed

1 or incorporated, and such other information as the division may require. All forms of
2 applications for renewal of licenses shall also show whether or not the applicant, if it is a
3 partnership, limited liability company, or corporation, still has connected with it a duly
4 qualified person holding a license issued by the division.

5 (o) The board shall notify each local governing authority in this state of the provisions of
6 this Code section relating to licensure. The board shall notify such governing authorities
7 that after July 1, 2004, any person desiring a license to engage in a profession covered by
8 this Code section shall be required to pass an examination as provided in this Code section.

9 (p) Any applicant for licensure standing the examination on and after July 1, 2004, who
10 fails the examination for licensure twice after such date shall be required to present
11 satisfactory evidence to the division that the applicant has completed a board approved
12 review course before such applicant will be admitted to a third examination. If such
13 applicant fails the examination a third time, the applicant shall not be required to complete
14 additional board approved review courses prior to taking subsequent examinations.

15 43-14-11.

16 (a) For purposes of this Code section only, 'division' means the Division of Utility
17 Contractors.

18 (b) No person shall engage in the utility business as an utility contractor unless such
19 person has a valid license from the Division of Utility Contractors and a certificate of
20 competency, if such certificates are issued by the division pursuant to subsection (b) of
21 Code Section 43-14-6.

22 (c) No person shall engage in the trade of utility contracting as a utility journeyman unless
23 such person has a valid license from the Division of Utility Contractors.

24 (d) No person shall engage in learning of the trade of utility contracting unless such person
25 has a valid certificate from the Division of Utility Contractors.

26 (e) A person who is not licensed as a utility contractor shall be prohibited from advertising
27 in any manner that such person is in the business or profession of a utility contractor unless
28 the work is performed by a licensed utility contractor.

29 (f) In order to protect the public from damages arising from any work by a licensed utility
30 contractor which work fails to comply with the ordinances or building and construction and
31 safety codes adopted by any county or municipal corporation, the utility contractor shall
32 execute and deposit with the Secretary of State a bond in the sum of \$50,000.00. Such
33 bond shall be a cash bond of \$50,000.00 or executed by a surety authorized and qualified
34 to write surety bonds in the State of Georgia and shall be approved by the Secretary of
35 State's office. Such bond shall be conditioned upon all work being done or supervised by
36 such licensee complying with the provisions of any ordinances or building and construction

1 codes of any county or municipal corporation wherein the work is performed. Action on
2 such bond may be brought against the principal and surety thereon in the name of and for
3 the benefit of any person who suffers damages as a consequence of said licensee's work
4 not conforming to the requirements of any ordinances or building and construction codes;
5 provided, however, that the aggregate liability of the surety to all persons so damaged shall
6 in no event exceed the sum of such bond.

7 (g) Notwithstanding any other provision of this chapter, prior to and including July 1,
8 2004, the following persons, desiring to qualify under the provisions stated in this Code
9 section, shall be issued a state-wide license without restriction by the division, provided
10 that such individual submits proper application and pays or has paid the required fees and
11 is not otherwise in violation of this chapter:

12 (1) Any individual holding a license issued by the State Construction Industry Licensing
13 Board, prior to July 1, 2003;

14 (2) Any individual holding a license issued by the State Board of Utility Contractors;

15 (3) Any individual holding a license to engage in such vocation issued to him or her by
16 any governing authority of any political subdivision; and

17 (4) Any individual who has successfully and efficiently engaged in such vocation in a
18 local jurisdiction, which did not issue local licenses, for a period of at least two
19 consecutive years immediately prior to the time of application. To prove that he or she
20 has successfully engaged in said vocation, the individual shall only be required to give
21 evidence of five successful jobs completed over such period. Such applicant shall swear
22 before a notary public that such evidence is true and accurate prior to its submission to
23 the division.

24 (h) The decision of the division as to the necessity of taking the examination or as to the
25 qualifications of applicants taking the required examination shall, in the absence of fraud,
26 be conclusive.

27 (i) All individuals, partnerships, limited liability companies, or corporations desiring to
28 engage in such vocation after July 1, 2004, shall take the examination and qualify under
29 this Code section before engaging in such vocation or business, including such vocation
30 or business at the local level.

31 (j) No partnership, limited liability company, or corporation shall have the right to engage
32 in the business of utility contracting unless there is regularly connected with such
33 partnership, limited liability, company, or corporation a person or persons actually engaged
34 in the performance of such business on a full-time basis who have valid, licenses issued to
35 them as provided for in this Code section.

36 (k) It shall be the duty of all partnerships, limited liability companies, and corporations
37 qualified under this chapter to notify the division immediately of the severance of

1 connection with such, partnership, limited liability company, or corporation of any person
2 or persons upon whom such qualification rested.

3 (l) All applicants for examinations and licenses provided for by this Code section and all
4 applicants for renewal of licenses under this Code section shall be required to fill out a
5 form which shall be provided by the division, which form shall show whether or not the
6 applicant is an individual, partnership, limited liability company, or corporation and, if a
7 partnership, limited liability company, or corporation, the names and addresses of the
8 partners or members or the names and addresses of the officers, when and where formed
9 or incorporated, and such other information as the division may require. All forms of
10 applications for renewal of licenses shall also show whether or not the applicant, if it is a
11 partnership, limited liability company, or corporation, still has connected with it a duly
12 qualified person holding a license issued by the division.

13 (m) The board shall notify each local governing authority in this state of the provisions of
14 this Code section relating to licensure. The board shall notify such governing authorities
15 that after July 1, 2004, any person desiring a license to engage in a profession covered by
16 this Code section shall be required to pass an examination as provided in this Code section.

17 (n) Any applicant for licensure standing the examination on and after July 1, 2004, who
18 fails the examination for licensure twice after such date shall be required to present
19 satisfactory evidence to the division that the applicant has completed a board approved
20 review course before such applicant will be admitted to a third examination. If such
21 applicant fails the examination a third time, the applicant shall not be required to complete
22 additional board approved review courses prior to taking subsequent examinations.

23 43-14-12.

24 (a) Every person holding a license issued by a division of the board shall display it in a
25 conspicuous manner at his or her place of business.

26 (b) All commercial vehicles used by licensees and certificate holders exclusively in the
27 daily operation of their business shall have prominently displayed thereon the company or
28 business registration number issued by the Secretary of State's office. Such registration
29 number shall also be prominently displayed on any advertising in telephone yellow pages
30 and newspapers relating to work which a licensee or certificate holder purports to have the
31 capacity to perform. Said registration number shall also be printed on all invoices and
32 proposal forms.

33 43-14-13.

34 This chapter shall be administered in accordance with Chapter 13 of Title 50, the 'Georgia
35 Administrative Procedure Act.'

1 43-14-14.

2 Whenever it shall appear to a division of the board or to the division director or to a county
3 or municipal inspection authority that any person is or has been violating this chapter or
4 any of the lawful rules, regulations, or orders of the board, a division of the board, the local
5 inspection authority, or the appropriate prosecuting attorney may file a petition for an
6 injunction in the proper superior court of this state against such person for the purpose of
7 enjoining any such violation. It shall not be necessary to allege or prove that there is no
8 adequate remedy at law. The right of injunction provided for in this Code section shall be
9 in addition to any other legal remedy which the board has and shall be in addition to any
10 right of criminal prosecution provided for by law.

11 43-14-15.

12 (a) Any municipal or county inspection authority which meets the standards established
13 by the board shall be authorized, after notice and hearing, to suspend the license or
14 certificate of competency of, or refuse to restore a license or certificate of competency to,
15 any person or licensee upon the grounds set out in Code Section 43-14-6; provided,
16 however, that such suspension of a license by a local inspection authority shall be
17 applicable only within the jurisdiction of such local authority. Any person aggrieved by
18 an action of a local authority shall be entitled to an appeal to the appropriate division of the
19 board and shall be entitled to a hearing.

20 (b)(1) This chapter shall not be construed to prohibit the governing authority of any
21 county or municipality in the state from adopting and enforcing codes at the local level;
22 provided, however, that no county or municipality may require any licensed contractor
23 who has executed and deposited a bond, as provided in Code Sections 43-14-8, 43-14-9,
24 43-14-10, and 43-14-11 to give or furnish or execute any code compliance bond or
25 similar bond for the purpose of ensuring that all construction, installation, or
26 modifications are made or completed in compliance with the county or municipal
27 ordinances or building and construction codes.

28 (2) In any case where a bond is required under this chapter, the contractor shall file a
29 copy of the bond with the building official in the political subdivision wherein the work
30 is being performed.

31 (3) The provisions of this Code section shall not apply to or affect any bonding
32 requirements involving contracts for public works as provided in Chapter 10 of Title 13.

33 (c) No provision of this chapter shall be construed as prohibiting or preventing a
34 municipality or county from fixing or charging any registration fee, tax, or gross receipt tax
35 on any related business or on anyone engaged in any related business governed by this
36 chapter.

1 43-14-16.

2 (a) If a person is in violation of contracting without a license or making installations
3 without a license, it shall not be necessary for an investigator to observe or witness the
4 unlicensed person engaged illegally in the process of work or to show work in progress or
5 work completed in order to prove the unlawful practice of contracting by an unlicensed
6 person.

7 (b) It shall be prima-facie evidence of a violation of this chapter if any person not licensed
8 as an electrical contractor, general contractor, mechanical contractor, low-voltage
9 contractor, or utility contractor advertises that such person is in the business or profession
10 of an electrical contractor, general contractor, mechanical contractor, low-voltage
11 contractor, or utility contractor or advertises in a manner such that the general public would
12 believe that such person is a licensed electrical contractor, general contractor, mechanical
13 contractor, low-voltage contractor, or utility contractor or in the business or profession of
14 an electrical contractor, general contractor, mechanical contractor, low- voltage contractor,
15 or utility contractor. Advertising under this subsection includes, but is not limited to,
16 newspaper, television, radio, telephone directory, mailings, business cards, or sign at place
17 of business or attached to a vehicle.

18 (c) In accordance with the provisions of Code Section 43-1-20.1, after notice and hearing,
19 the board may issue a cease and desist order prohibiting any person from violating the
20 provisions of this chapter by engaging in the business or profession of an electrical
21 contractor, general contractor, mechanical contractor, low-voltage contractor, or utility
22 contractor without a license as required under this chapter.

23 (d) The violation of any cease and desist order of the board issued under subsection (c) of
24 this Code section shall subject the person violating the order to further proceedings before
25 the board, and the board shall be authorized to impose a fine not to exceed \$500.00 for each
26 violation thereof. Each day that a person practices in violation of this Code section and
27 chapter shall constitute a separate violation.

28 (e) Nothing in this Code section shall be construed to prohibit the board from seeking
29 remedies otherwise available by statute without first seeking a cease and desist order in
30 accordance with the provisions of this Code section.

31 43-14-17.

32 (a) This chapter shall apply to all installations, alterations, and repairs of electrical, general
33 construction, plumbing, pipefitting, air-conditioning, refrigeration, low-voltage wiring, and
34 utility systems within or on public or private buildings, structures, or premises except as
35 otherwise provided in this Code section.

1 (b) Any person who holds a license or certificate under this chapter may engage in the
2 business of electrical contracting, general contracting, mechanical contracting, low-voltage
3 contracting, or utility contracting but only as prescribed by the license throughout the state;
4 and except as provided in Code Section 43-14-15, no municipality or county shall require
5 such person to comply with any additional licensing requirements imposed by such
6 municipality or county.

7 (c) This chapter shall not apply to the installation, alteration, or repair of electrical,
8 mechanical, utility systems, or electrical services, except low-voltage wiring services, up
9 to and including the meters where such work is performed by and is an integral part of the
10 system owned or operated by a public service corporation, an electrical, water, or gas
11 department of any municipality in this state, a railroad company, a pipeline company, or
12 a mining company in the exercise of its normal function as such.

13 (d) This chapter shall not prohibit an householder from assisting or receiving assistance
14 from a friend, neighbor, relative or other person when none of the individuals providing
15 these services holds himself or herself out as a being engaged in such a business; provided,
16 however, that all such work must be done in conformity with all other provisions of this
17 chapter, the rules and regulations of the board, and any applicable county or municipal
18 resolutions, ordinances, codes, or inspection requirements.

19 (e) This chapter shall not prohibit an individual employed on the maintenance staff of a
20 facility owned by the state or by a county, municipality, or other political subdivision from
21 installing, altering, or repairing plumbing, plumbing fixtures, air-conditioning and heating
22 fixtures, utility systems, or electrical or low-voltage wiring services when such work is an
23 integral part of the maintenance requirements of the facility; provided, however, that all
24 such work must be done in conformity with all other provisions of this chapter and the
25 orders, rules, and regulations of the board.

26 (f) This chapter shall not prohibit any person from installing, altering, or repairing
27 plumbing, plumbing fixtures, air-conditioning and heating fixtures, utility systems, or
28 electrical or low-voltage wiring services in a farm or ranch service building or as an
29 integral part of any irrigation system on a farm or ranch when such system is not located
30 within 30 feet of any dwelling or any building devoted to animal husbandry. Nothing in
31 this subsection shall be construed to limit the application of any resolution, ordinance,
32 code, or inspection requirements of a county or municipality relating to such connections.

33 (g) This chapter shall not apply to low-voltage wiring performed by public utilities, except
34 that such portion of the business of those public utilities which involves the installation,
35 alteration, repair, or service of telecommunication systems for profit shall be covered under
36 this chapter.

1 (h) This chapter shall not apply to the installation, construction, or maintenance of power
2 systems or telecommunication systems for the generation or distribution of electric current
3 constructed under the National Electrical Safety Code, which regulates the safety
4 requirements of utilities; but the interior wiring regulated by the National Electrical Safety
5 Code would not be exempt and must be done by an electrical contractor except as
6 otherwise provided by law.

7 (i) This chapter shall not apply to any technician employed by a municipal or
8 county-franchised community antenna television (CATV) system or a municipally owned
9 community antenna television system in the performance of work on the system.

10 (j) This chapter shall not apply to regular full-time employees of an institution,
11 manufacturer, or business who perform plumbing, electrical, low-voltage wiring, utility
12 contracting, or conditioned air work when working on the premises of that employer.

13 (k) This chapter shall not apply to persons licensed as manufactured or mobile home
14 installers by the state fire marshal when:

15 (1) Coupling the electrical connection from the service entrance panel outside the
16 manufactured housing to the distribution panel board inside the manufactured housing;

17 (2) Connecting the exterior sewer outlets to the above-ground sewer system; or

18 (3) Connecting the exterior water line to the above ground water system.

19 (l) Any person qualified by the Department of Transportation to perform work for the
20 department shall not be required to be licensed under Code Section 43-14-10 or certified
21 under Code Sections 43-14-11 and 43-14-12 in order to perform work for the department.
22 Any person qualified by the Department of Transportation to perform work for the
23 department shall not be required to be licensed under Code Section 43-14-10 or certified
24 under Code Sections 43-14-11 and 43-14-12 in order to perform work for a county,
25 municipality, authority, or other political subdivision when such work is of the same nature
26 as that for which the person is qualified when performing department work; provided,
27 however, that such work is not performed on a utility system as defined in Code Section
28 43-14-2 for which the person receives compensation.

29 (m) This chapter shall not prohibit a person from installing, altering, or repairing the
30 plumbing component of a lawn sprinkler system from a backflow preventer which was
31 installed by a licensed plumber; provided, however, that all such work must be done in
32 conformity with all other provisions of this chapter, the rules and regulations of the board,
33 and ordinances of the county or municipality.

34 (n) Any person who contracts with a licensed contractor to install, repair, alter, or to
35 replace an electrical system, mechanical system, low-voltage system, or utility system shall
36 be required to hold a license from a division of the board. The contractor shall retain
37 responsibility for completion of the contract, including any subcontracted work.

1 (o) This chapter shall not prohibit any propane dealer who is properly insured as required
2 by law and who holds a liquefied petroleum gas license issued by the Safety Fire
3 Commissioner from installing, repairing, or servicing a propane system or the gas piping
4 or components of such system; provided, however, that such propane dealers shall be
5 prohibited from performing the installation of conditioned air systems or forced air heating
6 systems unless licensed to do so under this chapter.

7 43-14-18.

8 Any person violating this chapter shall be guilty of a misdemeanor and, upon conviction
9 thereof, shall be fined not more than \$1,000.00 or imprisoned for not more than six months,
10 or both."

11 **SECTION 2.**

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