

The Senate Science and Technology Committee offered the following substitute to SB 39:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 13 of Title 48 of the Official Code of Georgia Annotated,
2 relating to general provisions concerning specific, business, and occupation taxes, so as to
3 provide that counties and municipalities that require permits for the installation, replacement,
4 or improvement of heating, ventilation, air conditioning, plumbing, or electrical systems in
5 a building or structure shall permit applicants to apply for such permits by mail or through
6 certain electronic media and shall provide for certain alternative means of paying any fees
7 associated with the issuance of such permits; to provide for related matters; to repeal
8 conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

10 Article 1 of Chapter 13 of Title 48 of the Official Code of Georgia Annotated, relating to
11 general provisions concerning specific, business, and occupation taxes, is amended by
12 inserting a new Code Section 48-13-29 to read as follows:
13

14 "48-13-29.

15 (a) Every county and municipality that requires a permit for the installation, replacement,
16 or improvement of heating, ventilation, air conditioning, plumbing, or electrical equipment
17 or systems within a building or structure within its jurisdiction shall ensure that the permit
18 process of such county or municipality conforms to the provisions of this Code section.

19 (b) In addition to applying in person for a heating, ventilation, air conditioning, plumbing,
20 or electrical permit, every county and municipality subject to this Code section shall
21 provide a method by which an applicant can apply for a heating, ventilation, air
22 conditioning, plumbing, or electrical permit by mail or through electronic media without
23 having to apply in person. Acceptable electronic media includes, but is not limited to,
24 facsimile transmission. Electronic mail and Internet websites also may be used at the
25 discretion of the county or municipality. Once the application is received, the county or
26 municipality may approve or disapprove the permit according to the rules, regulations, and
27 ordinances of the county or municipality. A county or municipality may require the

1 applicant to appear in person when such applicant applies for a permit for the first time
2 with such county or municipality. Applications sent by mail shall include payment by
3 check or money order for any fees, unless the amount of such fees is not available from the
4 county or municipality. Applicants using the mail to make applications shall bear the
5 responsibility of any delays in the county or municipality receiving such applications.

6 (c) In addition to paying by cash any fees for the issuance of a heating, ventilation, air
7 conditioning, plumbing, or electrical permit, every county and municipality subject to this
8 Code section may provide for the payment of such fees through the use of one or more of
9 the following methods and may add an additional fee, not to exceed the actual cost to the
10 county or municipality, for the cost of providing for and processing such payments:

11 (1) By use of a check;

12 (2) By use of a money order;

13 (3) By use of a major credit card;

14 (4) By use of a bank draft or wire transfer;

15 (5) By the establishment of an account by the applicant with the county or municipality
16 which the county or municipality can debit for the payment of the fees; or

17 (6) By the establishment of a delayed or deferred payment method, to be established by
18 a written policy of the county or municipality, by which the applicant can mail or deliver
19 payment for the fees within a reasonable period of time.

20 (d) If an applicant's payment of the fee is dishonored by the financial institution on which
21 it is drawn, the county or municipality shall notify the applicant and give the applicant a
22 reasonable period of time, which shall be not less than three business days after receiving
23 notice, to pay the fee, including any interest and penalties, and any additional fees or
24 charges incurred by the county or municipality as a result of the dishonor. If the applicant
25 does not pay the fee within the specified period of time, the county or municipality may
26 invalidate the permit and assess fines and other penalties on the applicant. Such
27 invalidation shall result in the permit being a total nullity and may subject the applicant to
28 all penalties for failure to have a proper permit for the construction, renovation, installation,
29 replacement, or improvement of the building or structure. In addition, if an applicant's
30 payment of the delayed or deferred permit fees is dishonored, the county or municipality
31 may revoke or suspend the applicant's authority to utilize such payment method in future
32 applications.

33 (e) Nothing in this Code section shall require any county or municipality to establish a
34 system of permits for the construction, renovation, installation, replacement, or
35 improvement of a building or structure.

36 (f) Nothing in this Code section shall require any county or municipality to accept plans
37 or specifications by mail or electronic means. If a county or municipality chooses to accept

1 plans or specifications by mail or electronic means, the county or municipality may specify
2 the format in which such plans or specifications shall be submitted. Failure to submit such
3 plans or specifications in the format required by the county or municipality shall be a basis
4 for rejecting such plans or specifications by the county or municipality."

5 **SECTION 2.**

6 This Act shall become effective on January 1, 2005.

7 **SECTION 3.**

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