

The Senate Regulated Industries and Utilities Committee offered the following substitute to HB 1300:

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 prohibit persons from contracting with any other person to
4 perform utility contracting work unless such other person is properly licensed; to redefine
5 the terms "utility contracting" and "utility system"; to provide that persons holding valid
6 licenses from the State Construction Industry Licensing Board or its divisions shall be able
7 to perform any work within the scope of their licenses; to repeal the certain requirements
8 concerning bids; to provide that persons holding utility manager and utility foreman
9 certificates must provide proof of completion of a course in safety training every two years;
10 to provide for proof of violations of licensing requirements for utility contractors; to provide
11 for cease and desist orders; to provide for fines for violations of such orders; to provide that
12 the issuance of such orders shall not prevent the board from seeking other remedies; to
13 provide for civil penalties for violation of the chapter; to provide for related matters; to
14 provide an effective date; to repeal conflicting laws; and for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

16 Chapter 14 of Title 43 of the Official Code of Georgia Annotated, relating to electrical
17 contractors, plumbers, conditioned air contractors, low-voltage contractors, and utility
18 contractors, is amended by striking paragraphs (13) and (17) of Code Section 43-14-2,
19 relating to definitions, and inserting in lieu thereof new paragraphs (13) and (17) to read as
20 follows:
21

22 "(13) 'Utility contracting' means undertaking to construct, erect, alter, or repair or have
23 constructed, erected, altered, or repaired any utility system ~~in which the cost of the utility~~
24 ~~system work exceeds \$100,000.00."~~

25 "(17) 'Utility system' means:

1 course of safety training in utility contracting approved by the division. In order to
 2 continue to hold such certificate, the certificate holder must submit proof to the division
 3 of completion of a safety training course approved by the division at least every two years
 4 from the date of the completion of the initial safety training course. In lieu of safety
 5 training any person desiring to be issued a utility foreman certificate may submit a
 6 completed application on or before December 31, 1994, which documents to the
 7 satisfaction of the division at least two years of experience as a utility foreman during the
 8 period between January 1, 1984, and June 30, 1994. Any person who does not submit a
 9 completed application for certification on or before December 31, 1994, must complete the
 10 required safety training in order to be certified."

11 SECTION 6.

12 Said chapter is further amended by adding a new Code Section 43-14-12.2 to read as follows:

13 "43-14-12.2.

14 (a) If a person is in violation of Code Section 43-14-8.2, 43-14-8.3, or 43-14-8.4, it shall
 15 not be necessary for an investigator to observe or witness the unlicensed person engaged
 16 illegally in the process of work or to show work in progress or work completed in order to
 17 prove the unlawful practice of utility contracting by an unlicensed person.

18 (b) It shall be prima-facie evidence of a violation of this chapter if any person not licensed
 19 as a utility contractor advertises that such person is in the business or profession of a utility
 20 contractor or advertises in a manner such that the general public would believe that such
 21 person is a licensed utility contractor or in the business or profession of a utility contractor.
 22 Advertising under this subsection includes, but is not limited to, newspaper, television, or
 23 radio advertisements, telephone directory listings, mailings, business cards, or a sign or
 24 signs at a place of business or attached to a vehicle.

25 (c) Notwithstanding the provisions of Code Section 43-1-20.1, after notice and hearing,
 26 the board may issue a cease and desist order prohibiting any person from violating the
 27 provisions of this chapter by engaging in the business or profession of a utility contractor
 28 without a license as required under this chapter or by constructing, erecting, altering, or
 29 repairing a utility system without a properly certified utility manager or properly certified
 30 utility foreman present at such job site.

31 (d) The violation of any cease and desist order of the board issued under subsection (c) of
 32 this Code section shall subject the person violating the order to further proceedings before
 33 the board, and the board shall be authorized to impose a fine not to exceed \$5,000.00 for
 34 each violation thereof. Each day that a person practices in violation of this Code section
 35 and chapter or constructs, erects, alters, or repairs a utility system without a properly

1 certified utility manager or properly certified utility foreman present at such job site shall
2 constitute a separate violation.

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

6 **SECTION 7.**

7 This Act shall become effective on July 1, 2004.

8 **SECTION 8.**

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