

Senate Bill 277

By: Senators Cagle of the 49th, Pearson of the 51st and Hudgens of the 47th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 9 of Chapter 8 of Title 12 of the Official Code of Georgia Annotated, the
2 "Georgia Hazardous Site Reuse and Redevelopment Act," so as to change certain provisions
3 relating to definitions; to provide that certain persons who purchased property after July 1,
4 2002, and before January 1, 2005, shall be treated as prospective purchasers for purposes of
5 said Act; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 9 of Chapter 8 of Title 12 of the Official Code of Georgia Annotated, the "Georgia
9 Hazardous Site Reuse and Redevelopment Act," is amended by striking paragraph (5) of
10 subsection (b) of Code Section 12-8-202, relating to definitions, and inserting in lieu thereof
11 the following:

12 "(5) 'Preexisting release' means a release, as such term is defined in paragraph (11) of
13 Code Section 12-8-92, which occurred prior to the prospective purchaser's application
14 for a limitation of liability pursuant to this article. The term 'preexisting release' includes
15 but is not limited to release of petroleum, as such term is defined in paragraph (12) of
16 Code Section 12-13-3, even if such release is from an underground storage tank system
17 as defined in paragraph (18) of Code Section 12-13-3."

18 **SECTION 2.**

19 Said article is further amended by adding a new Code section to read as follows:

20 "12-8-210.

21 The provisions of this article applicable to prospective purchasers shall also apply to any
22 person who purchased a property after July 1, 2002, and before January 1, 2005, where
23 there was a preexisting release at the time of purchase, such purchaser did not cause or
24 contribute to such preexisting release, and such purchaser applies for the limitation of
25 liability provided by this article on or before January 1, 2006."

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SECTION 3.

2 All laws and parts of laws in conflict with this Act are repealed.