

Senate Bill 329

By: Senators Heath of the 31st and Hamrick of the 30th

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 1A of Article 1 of Chapter 6 of Title 12 of the Official Code of Georgia
2 Annotated, relating to wood removal requirements, so as to provide definitions; to require
3 certain buyers of timber to maintain a bond; to provide for the terms and conditions of such
4 bonds; to provide for actions on such bonds; to provide for penalties; to repeal conflicting
5 laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Part 1A of Article 1 of Chapter 6 of Title 12 of the Official Code of Georgia Annotated,
9 relating to wood removal requirements, is amended by adding a new Code section to read as
10 follows:

11 "12-6-25.

12 (a) As used in this Code section, the term:

13 (1) 'Buyer' means any person, partnership, limited liability company, corporation, or
14 other entity purchasing timber directly from the landowner from lands in this state on
15 which such timber is grown. Such term shall not include a landowner harvesting and
16 processing his or her own timber.

17 (2) 'Purchase timber' shall not include the purchase of Christmas trees, wood for
18 firewood only, or trees to be transplanted for residential or commercial landscaping.

19 (b) It shall be unlawful for a buyer to purchase timber in this state apart from the land on
20 which it is growing unless:

21 (1) Such buyer has on file with the commission a bond in the amount of \$100,000.00
22 with a surety company duly authorized to do business in this state and payable to the
23 State Forestry Commission for the use and benefit of any landowner selling timber to
24 such buyer, and such bond shall be conditioned to pay all loss, damages, and expenses
25 that may be sustained by such landowner by reason of any fraudulent misrepresentation,
26 deceptive practice, unfair practice, failure to pay for the timber, or breach of contract.

1 The bond shall be approved by the commission as to form and as to the solvency of the
2 surety. No buyer shall cancel, or cause to be canceled, a bond required by this Code
3 section unless the commission is informed in writing by a certified letter or statutory
4 overnight delivery at least 30 days prior to the proposed cancellation. The commission
5 or any landowner aggrieved by a violation of this Code section, breach of contract, or
6 failure to pay for timber purchased from the landowner may bring an action on such bond
7 in any court in this state with jurisdiction to enforce the terms and conditions of such
8 bond; and

9 (2) The contract for the purchase of such timber is in writing, is signed by the parties,
10 and contains a statement listing the name, address, and telephone number of the surety
11 on the buyer's bond.

12 (c) Any person violating the provisions of this Code section shall be guilty of a
13 misdemeanor."

14 **SECTION 2.**

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