

House Bill 1105 (COMMITTEE SUBSTITUTE)

By: Representatives Dodson of the 75<sup>th</sup>, Tumlin of the 38<sup>th</sup>, Manning of the 32<sup>nd</sup>, and Stephens of the 164<sup>th</sup>

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 the documentation of full-time engagement in the  
4 performance of a conditioned air contracting business; to provide a fine and penalties for the  
5 unauthorized use of a license number of a conditioned air contractor; to provide that a  
6 contract of an unlicensed conditioned air contractor is unenforceable; to provide for renewal  
7 of certificates; to provide for related matters; to provide for an effective date; to repeal  
8 conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

11 Chapter 14 of Title 43 of the Official Code of Georgia Annotated, relating to electrical  
12 contractors, plumbers, conditioned air contractors, low-voltage contractors, and utility  
13 contractors, is amended by striking subsection (h) of Code Section 43-14-8, relating to  
14 licensing required for electrical, plumbing, or conditioned air contracting, and inserting a  
15 new subsection (h) to read as follows:

16 "(h) No partnership, limited liability company, or corporation shall have the right to engage  
17 in the business of conditioned air contracting unless there is regularly connected with such  
18 partnership, limited liability company, or corporation a person or persons actually engaged  
19 in the performance of such business on a full-time basis who have valid licenses issued to  
20 them as provided for in this chapter; provided, however, that partners, officers, and  
21 employees of the individual who fulfilled the licensing requirements shall continue to be  
22 authorized to engage in the business of conditioned air contracting under a license which  
23 was valid at the time of the licensee's death for a period of ~~90~~ 180 days following the date  
24 of such death. The board shall have the authority to require such documentation as is  
25 necessary to determine whether any person engaged in the business of conditioned air  
26 contracting is in fact engaged in the performance of such business on a full-time basis."

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**SECTION 2.**

Said chapter is further amended by striking subsection (e) of Code Section 43-14-12.1, relating to evidence of violation of licensing requirements, and inserting in lieu thereof new subsections (e) and (f) to read as follows:

"(e) In the event that any person misappropriates and uses the license number of a licensed conditioned air contractor in any manner in which he or she is not so authorized, including, but not limited to, obtaining a construction or building permit, the board shall be authorized to impose a civil penalty not to exceed \$1,000.00 for each occurrence thereof. Furthermore, such person may be prohibited from obtaining a conditioned air license for a period of five years from the date of the last violation in the event that he or she makes application to the board for such license.

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

**SECTION 3.**

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

**SECTION 4.**

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