

Senate Bill 420

By: Senators Pearson of the 51st, Mullis of the 53rd, Williams of the 19th, Rogers of the 21st and Tolleson of the 20th

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 7 of Title 12 of the Official Code of Georgia Annotated, relating to  
2 control of soil erosion and sedimentation, so as to exempt the Department of Transportation  
3 and its contractors from civil penalties levied for violations; to provide for applicability and  
4 an effective date; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

7 Chapter 7 of Title 12 of the Official Code of Georgia Annotated, relating to control of soil  
8 erosion and sedimentation, is amended by revising Code Section 12-7-15, relating to civil  
9 penalties for violating provisions regarding soil erosion and sedimentation, as follows:

10 "12-7-15.

11 Any person who violates any provision of this chapter, the rules and regulations adopted  
12 pursuant to this chapter, or any permit condition or limitation established pursuant to this  
13 chapter or who negligently or intentionally fails or refuses to comply with any final or  
14 emergency order of the director issued as provided in this chapter shall be liable for a civil  
15 penalty not to exceed \$2,500.00 per day. For the purpose of enforcing the provisions of  
16 this chapter, notwithstanding any provision in any city charter to the contrary, municipal  
17 courts shall be authorized to impose a penalty not to exceed \$2,500.00 for each violation.  
18 Notwithstanding any limitation of law as to penalties which can be assessed for violations  
19 of county ordinances, any magistrate court or any other court of competent jurisdiction  
20 trying cases brought as violations of this chapter under county ordinances approved under  
21 this chapter shall be authorized to impose penalties for such violations not to exceed  
22 \$2,500.00 for each violation. Each day during which the violation or failure or refusal to  
23 comply continues shall be a separate violation. The Department of Transportation or any  
24 contractor working under a contract for such department shall not be assessed any civil  
25 penalties under the provisions of this Code section."

**SECTION 2.**

Said chapter is further amended by revising paragraph (9) of Code Section 12-7-17, relating to exemptions from the provisions governing soil erosion and sedimentation, as follows:

"(9) Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority; or any road construction or maintenance project, or both, undertaken by any county or municipality; provided, however, that construction or maintenance projects of the Department of Transportation or the State Road and Tollway Authority which disturb one or more contiguous acres of land shall be subject to the provisions of Code Section 12-7-7.1; except where the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case a copy of a notice of intent under the state general permit shall be submitted to the local issuing authority, the local issuing authority shall enforce compliance with the minimum requirements set forth in Code Section 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders; provided, further, that the Department of Transportation or any contractor working under a contract for such department shall not be assessed civil penalties under Code Section 12-7-15;"

**SECTION 3.**

This Act shall become effective on July 1, 2008, and apply to any proceeding initiated on or after that date.

**SECTION 4.**

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