

House Bill 1289

By: Representatives Rogers of the 26th and Collins of the 27th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 41 of Title 43 of the Official Code of Georgia Annotated, relating to
2 residential and general contractors, so as to provide for a misdemeanor for the failure to pay
3 for certain services; to provide for related matters; to repeal conflicting laws; and for other
4 purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

7 Chapter 41 of Title 43 of the Official Code of Georgia Annotated, relating to residential and
8 general contractors, is amended by adding a new Code section to read as follows:

9 "43-41-10.1.

10 (a) A contractor or general contractor commits fraud if he or she contracts with a
11 subcontractor or vendor for supplies or work done for an owner:

12 (1) Such supplies or work were provided on condition of payment from the owner
13 contracting with the contractor or general contractor; and

14 (2) Upon receiving payment from the owner for such work or supplies, the contractor or
15 general contractor fails to make payment within 45 days to the subcontractor or vendor
16 providing such services or supplies.

17 (b) If a contractor or general contractor fails to make payment to a subcontractor or vendor
18 pursuant to subsection (a) of this Code section and the amount due is less than \$5000.00,
19 such contractor or general contractor shall be guilty of a misdemeanor and, upon conviction
20 thereof, shall be required to make restitution to the subcontractor or vendor owed. If a
21 contractor or general contractor fails to make payment to a subcontractor or vendor
22 pursuant to subsection (a) of this Code section and the amount due is more than \$5000.00,
23 such contractor or general contractor shall be guilty of a felony and, upon conviction
24 thereof, shall be required to make restitution to the subcontractor or vendor owed and may
25 be punished by not more than 90 days in prison."

26

SECTION 2.

27 All laws and parts of laws in conflict with this Act are repealed.