

House Bill 94

By: Representative Stephens of the 164th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 46 of the Official Code of Georgia Annotated, relating to
2 general provisions relative to public utilities and public transportation, so as to provide for
3 a definition; to require that an electric company provide notice to property owners before
4 entering upon their property, except in the case of an emergency; to provide for the contents
5 of the notice; to provide for a penalty; to provide for applicability; to provide for related
6 matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 1 of Title 46 of the Official Code of Georgia Annotated, relating to general
10 provisions relative to public utilities and public transportation, is amended by adding a new
11 Code section to read as follows:

12 "46-1-2.1.

13 (a) As used in this Code section, the term 'electric company' means all corporations,
14 including, but not limited to, electric membership corporations, engaged in the business of
15 either generating or transmitting electricity for light, heat, power, or other commercial
16 purposes.

17 (b) Before entering upon any privately owned property for the purpose of accessing an
18 easement owned by the electric company or for any purpose not rising to the level of an
19 emergency, the electric company shall serve notice upon all owners of such property by
20 certified mail or statutory overnight delivery, return receipt requested, at least seven days
21 in advance of entering upon said property. The service of such notice shall be deemed
22 effective the date such notice is placed in the mail.

23 (c) Such notice shall:

24 (1) Describe the tract or parcel of land upon which the electric company intends to enter
25 to perform work or an inspection with sufficient particularity to enable the owner of the
26 property to ascertain the precise tract or parcel of land involved;

27 (2) State the name, address, and telephone number of the person at the electric company
28 who will be in charge of the work or inspection;

29 (3) Describe the reason for the entry upon the property; and

30 (4) Designate the date upon which the work or inspection will commence and will be
31 completed.

32 (d) Any person convicted of a violation of this Code section shall be guilty of a
33 misdemeanor.

34 (e) This Code section shall not be applied to any existing easement, contract, or other
35 agreement between a utility company and a property owner in existence prior to July 1,
36 2009, to the extent that this Code section would impair the obligation of such existing
37 easement, contract, or other agreement."

38 **SECTION 2.**

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