

House Bill 595

By: Representatives Hill of the 21<sup>st</sup>, Jerguson of the 22<sup>nd</sup>, and Coan of the 101<sup>st</sup>

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 certain disclosures upon the  
3 discovery of a defect relating to certain constructions; to provide for certain disclosures upon  
4 a residential contractor completing a fill in connection with certain constructions; to provide  
5 a buyer with the ability to inquire into the professional background of a residential  
6 contractor; to provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 41 of Title 43 of the Official Code of Georgia Annotated, relating to residential and  
10 general contractors, is amended in Code Section 43-41-7, relating to written warranties, by  
11 designating the existing provisions as subsection (a) and adding a new subsection (b) to read  
12 as follows:

13 "(b)(1) For the purposes of this subsection, the term 'buyer' means the purchaser of a  
14 custom residential construction of which certain specifications have been negotiated with  
15 a licensed residential contractor as part of a purchase of a purchase offer.

16 (2) Upon the discovery of a defect relating to the construction of which the residential  
17 contractor has contracted with a buyer to complete or of the completion of any fill  
18 relating to such construction, a licensed residential contractor or any affiliated entities or  
19 successors shall provide to a buyer, by statutory overnight delivery, a report describing  
20 such defect or any engineering report describing the detail of any fill relating to such  
21 construction. Any report provided pursuant to this paragraph shall be provided to the  
22 buyer within five days of the completion of such report. In the case of a defect, the  
23 residential contractor shall as part of his or her report include any steps taken to correct  
24 the defect that is the subject of the report.

25 (3) Upon the request of a buyer, the board shall provide such buyer with a report  
26 disclosing all disciplinary actions taken against a licensed residential contractor

27 including, but not limited to, all actions taken by the board pursuant to Code Section  
28 43-41-16, any penalties such residential contractor may have received pursuant to Code  
29 Section 43-41-16, or all other information relating to any professional misconduct  
30 conducted by such residential contractor. Nothing in this subsection shall require the  
31 board to provide a buyer with any information that is deemed confidential or not for  
32 public consumption by any other provision of law."

33 **SECTION 2.**

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