

The House Committee on Judiciary offers the following substitute to HB 102:

A BILL TO BE ENTITLED
AN ACT

To amend Article 2 of Chapter 3 of Title 9 of the Official Code of Georgia Annotated, relating to specific periods of limitations of actions, so as to provide a limitation period with respect to civil actions for title by prescription or private way by prescription to real property that is subject to a recorded conservation easement; to provide for definitions; to provide that such actions shall be barred entirely under certain circumstances; to exempt certain utility facilities from the limitation periods; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 3 of Title 9 of the Official Code of Georgia Annotated, relating to specific periods of limitations of actions, is amended by adding a new Code section to read as follows:

"9-3-30.3.

(a) As used in this Code section, the term 'conservation easement' shall have the same meaning as provided in Code Section 44-10-2.

(b) Any civil action for title by prescription or private way by prescription to any real property that is subject to a conservation easement which is unlimited in duration and which has been recorded in accordance with Article 1 of Chapter 10 of Title 44, the 'Georgia Uniform Conservation Easement Act,' shall be brought not later than July 1, 2015, or four years after the recording of the conservation easement, whichever date occurs last; provided, however, that such an action shall be barred entirely if title by prescription or private way by prescription did not ripen prior to the recording of such conservation easement.

(c) Subsection (b) of this Code section shall not apply to any civil action for the purpose of acquiring an easement or private way by prescription by an electric membership corporation, a municipality operating a municipal electrical system, or a public utility corporation under the regulatory jurisdiction of the Public Service Commission."

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SECTION 2.

28 All laws and parts of laws in conflict with this Act are repealed.