

House Bill 1102

By: Representatives Smith of the 70th, Stephens of the 164th, Knight of the 126th, Manning of the 32nd, McCall of the 30th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 9 of Chapter 8 of Title 12 of the Official Code of Georgia Annotated,
2 relating to Georgia hazardous site reuse and redevelopment, so as to provide a 30 day grace
3 period for buyers of qualifying property to seek a limitation of liability; to provide for
4 automatic liability limitations to future recipients of qualified properties; to repeal conflicting
5 laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 9 of Chapter 8 of Title 12 of the Official Code of Georgia Annotated, relating to
9 Georgia hazardous site reuse and redevelopment, is amended by revising paragraph (6) of
10 subsection (b) of Code Section 12-8-202, relating to definitions, as follows:

11 "(6) 'Prospective purchaser' means a person who intends to purchase a property where
12 there is a preexisting release or a person who has applied for a limitation of liability
13 pursuant to this article within 30 days of acquiring title to a property where there is a
14 preexisting release."

15 **SECTION 2.**

16 Said article is further amended by revising subsection (c) of Code Section 12-8-208, relating
17 to exceptions to limitation of liability, as follows:

18 "(c) The limitation of liability provided by this article shall ~~be fully transferable~~
19 automatically inure to the benefit of heirs, assigns, successors in title, and designees of the
20 person to whom such limitation of liability is granted; provided, however, that in no event
21 shall the director's approval of a corrective action plan or concurrence with a certification
22 of compliance operate to absolve from liability any party deemed to be a person who has
23 contributed or is contributing to a release at the qualifying property; and provided, further,
24 that a transfer of the title to the qualifying property or any portion thereof from the
25 prospective purchaser ~~back to the owner of the property from which the subject property~~

26 ~~was purchased, to~~ any other party deemed to be a person who has contributed or is
27 contributing to a release at the property, ~~or to~~ any person disqualified from obtaining a
28 limitation of liability under Code Section 12-8-206, or back to the owner of the property
29 from which the subject property was purchased shall terminate any limitation of liability
30 applicable to the transferor under this article."

31 **SECTION 3.**

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