

House Bill 675

By: Representatives Geisinger of the 48th, Parsons of the 44th, Carson of the 46th, Taylor of the 79th, and Ehrhart of the 36th

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 regarding public utilities, so as to provide that in the event of litigation
3 against a gas company or electric utility to enjoin, prevent, stop, or delay the construction by
4 such gas company or electric utility of a facility to be used by the gas company or public
5 utility for the provision of gas or electrical service to customers in this state, the losing party
6 shall be required to pay attorney's fees and costs of litigation to the winning party; to provide
7 for exceptions; to provide for certain notices; to provide for sanctions for failure to provide
8 such notices; to provide for related matters; to provide for an effective date and applicability;
9 to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Chapter 1 of Title 46 of the Official Code of Georgia Annotated, relating to general
13 provisions regarding public utilities, is amended by adding a new Code section to read as
14 follows:

15 "46-1-6.

16 (a) In the event of litigation against a gas company or electric utility to enjoin, prevent,
17 stop, or delay the construction by such gas company or electric utility of a facility to be
18 used by the gas company or public utility for the provision of gas or electrical service to
19 customers in this state, the party whose claim is dismissed or against whom final judgment
20 is entered shall be required to pay attorney's fees and costs of litigation to the prevailing
21 party or parties unless the court determines, after notice and hearing, that the award of
22 attorney's fees would render a substantial injustice to such party liable for such fees and
23 costs.

24 (b) Before filing a suit against a gas company or electric utility to enjoin, prevent, stop, or
25 delay the construction by such gas company or electric utility of a facility to be used by the
26 gas company or public utility for the provision of gas or electrical service to customers in

27 this state, the attorney intending to file such suit shall provide notice of this Code section
28 to his or her client. Failure to provide such notice may result in the court imposing a
29 portion of or all attorney's fees and costs of litigation awarded pursuant to this Code section
30 against such attorney in the event such claim is dismissed or final judgment is entered
31 against such attorney's client."

32 **SECTION 2.**

33 This Act shall become effective on July 1, 2013, and shall apply to all actions filed on and
34 after such date.

35 **SECTION 3.**

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