

House Bill 493 (COMMITTEE SUBSTITUTE)

By: Representatives Tanner of the 9<sup>th</sup>, Harrell of the 106<sup>th</sup>, Stephens of the 164<sup>th</sup>, Powell of the 32<sup>nd</sup>, and Lumsden of the 12<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To provide for professional engineers or other professionals to review certain plans related  
2 to building and development if certain conditions are met so as to provide for a determination  
3 in a timely manner; to amend Chapter 2 of Title 8 of the Official Code of Georgia Annotated,  
4 relating to standards and requirements for construction, alteration, etc., of buildings and other  
5 structures, so as to provide procedures for alternative plan review, permitting, and inspection  
6 by private providers so as to simplify regulations on businesses at the local level; to provide  
7 for definitions; to amend Chapter 7 of Title 12 of the Official Code of Georgia Annotated,  
8 relating to control of soil erosion and sedimentation, so as to authorize in certain  
9 circumstances county and municipal governing authorities, or engineers hired by permit  
10 applicants to approve erosion and sediment control plans in lieu of approval by soil and water  
11 conservation commission districts; to provide that counties and municipalities can contract  
12 with qualified personnel to implement land disturbance activity ordinances; to provide for  
13 a short title; to provide for related matters; to repeal conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15 **SECTION 1.**

16 This Act shall be known and may be cited as the "Private Permitting Review and Inspection  
17 Act."

18 **SECTION 2.**

19 Chapter 2 of Title 8 of the Official Code of Georgia Annotated, relating to standards and  
20 requirements for construction, alteration, etc., of buildings and other structures, is amended  
21 by revising subsection (g) of Code Section 8-2-26, relating to enforcement of codes  
22 generally, employment and training of inspectors, and contracts for administration and  
23 enforcement of codes, as follows:

24 "(g)(1) As used in this subsection, the term:

25 (A) 'Complete application' means a submitted plan, application, or request for  
26 inspection that contains all of the information and supporting documentation required  
27 by the county or municipality for it to make the determination as to whether the plan,  
28 application, or request is in compliance with regulatory requirements.

29 (B) 'Private professional provider' means a professional engineer who holds a  
30 certificate of registration issued under Chapter 15 of Title 43 or a professional architect  
31 who holds a certificate of registration issued under Chapter 4 of Title 43, who is not an  
32 employee of or otherwise affiliated with or financially interested in the person, firm, or  
33 corporation engaged in the construction project to be reviewed or inspected.

34 (C) 'Regulatory fee' means payments, whether designated as permit fees, application  
35 fees, or by another name, that are required by a local government as an exercise of its  
36 police power, its regulation of business, or as a part of or as an aid to regulation of  
37 construction related activities.

38 (D) 'Regulatory requirements' means the requirements determined by a county or  
39 municipality to be necessary for approval of plans, permits, or applications.

40 (2) Each county or municipality which imposes regulatory fees or regulatory  
41 requirements within its jurisdiction shall establish and make available a schedule of such  
42 regulatory fees and regulatory requirements which shall include a list of all  
43 documentation related to compliance with such regulatory requirements, including the  
44 requirements necessary for submittal of a complete application. The amount of any  
45 regulatory fee shall approximate the reasonable cost of the actual regulatory activity  
46 performed by the local government and shall be subject to the provisions of paragraph (6)  
47 of Code Section 48-13-5.

48 (3) No later than five business days after receipt of any application related to regulatory  
49 requirements, a local building official of a county or municipality shall notify each  
50 applicant as to whether the submitted documents meet the requirements of a complete  
51 application. Except as otherwise provided in this paragraph, time spent by a county or  
52 municipality determining whether an application is complete shall count toward the  
53 total 30 days for plan review or inspection. If a local building official determines that the  
54 application is not complete, the applicant shall be provided written notice identifying the  
55 items that are not complete. The 30 day time period is tolled when the application is  
56 rejected as incomplete. If within 30 days after the county or municipality has provided  
57 notice that the application is incomplete the permit applicant submits revisions to address  
58 the identified deficiencies, the local building official shall have an additional five  
59 business days to review the application for completeness.

60 (4) Upon notification to the applicant that a complete application has been accepted, a  
61 county or municipality shall also notify each applicant as to whether the personnel

62 employed or contracted by such county or municipality will be able to provide regulatory  
63 action within 30 days for plan review or provide inspection services within two business  
64 days of receiving a valid written request for inspection.

65 (5) If the county or municipality determines that the personnel employed or contracted  
66 by such county or municipality cannot provide regulatory action or inspection services  
67 within the time frames required under paragraph (4) of this subsection, the applicant shall  
68 have the option of retaining, at its own expense, a private professional provider to provide  
69 the required plan review or inspection in accordance with the provisions of paragraph (7)  
70 of this subsection. If the applicant elects to utilize the services of a private professional  
71 provider, the regulatory fees associated with such regulatory action shall be reduced by  
72 50 percent and such reduced amount shall be paid to the county or municipality in  
73 accordance with such jurisdiction's policies.

74 (6) If the county or municipality determines that the personnel employed or contracted  
75 by such county or municipality can provide regulatory action or inspection services  
76 within the time frames required under paragraph (4) of this subsection, the full amount  
77 of the regulatory fees associated with such regulatory action shall be paid to the county  
78 or municipality in accordance with such jurisdiction's policies. Upon payment in full of  
79 the regulatory fees associated with the complete application, the applicant may  
80 nevertheless choose to retain, at its own expense, a private professional provider to  
81 provide the required plan review or inspection, subject to the requirements set forth in  
82 paragraph (7) of this subsection.

83 ~~(7) If a governing authority of a county or municipality cannot provide review of the~~  
84 ~~documents intended to demonstrate that the structure to be built is in compliance with the~~  
85 ~~Georgia State Minimum Standard Codes most recently adopted by the Department of~~  
86 ~~Community Affairs and any locally adopted ordinances and amendments to such codes~~  
87 ~~within 30 business days of receiving a written application for permitting in accordance~~  
88 ~~with the code official's plan submittal process or inspection services within two business~~  
89 ~~days of receiving a valid written request for inspection, then, in lieu of plan review or~~  
90 ~~inspection by personnel employed by such governing authority, any person, firm, or~~  
91 ~~corporation engaged in a construction project which requires plan review or inspection~~  
92 ~~shall have the option of retaining, at its own expense, a private professional provider to~~  
93 ~~provide the required plan review or inspection. As used in this subsection, the term~~  
94 ~~'private professional provider' means a professional engineer who holds a certificate of~~  
95 ~~registration issued under Chapter 15 of Title 43 or a professional architect who holds a~~  
96 ~~certificate of registration issued under Chapter 4 of Title 43, who is not an employee of~~  
97 ~~or otherwise affiliated with or financially interested in the person, firm, or corporation~~  
98 ~~engaged in the construction project to be reviewed or inspected. The local governing~~

99 authority shall advise the permit applicant in writing if requested by the applicant at the  
100 time the complete submittal application for a permit in accordance with the code official's  
101 plan submittal process is received that the local governing authority intends to complete  
102 the required plan review within the time prescribed by this paragraph or that the applicant  
103 may immediately secure the services of a private professional provider to complete the  
104 required plan review pursuant to this subsection. The plan submittal process shall include  
105 those procedures and approvals required by the local jurisdiction before plan review can  
106 take place. If the local governing authority states its intent to complete the required plan  
107 review within the time prescribed by this paragraph, the applicant shall not be authorized  
108 to use the services of a private professional provider as provided in this subsection. The  
109 permit applicant and the local governing authority may agree by mutual consent to extend  
110 the time period prescribed by this paragraph for plan review if the characteristics of the  
111 project warrant such an extension. However, ~~if~~ If the local governing authority states its  
112 intent to complete the required plan review within the time prescribed by this paragraph  
113 (4) of this subsection, or any extension thereof mutually agreed to by the applicant and  
114 the governing authority, and does not permit the applicant to use the services of a private  
115 professional provider and the local governing authority fails to complete such plan review  
116 in the time prescribed by this paragraph (4) of this subsection, or any extension thereof  
117 mutually agreed to by the applicant and the governing authority, the local governing  
118 authority shall issue the applicant a project initiation permit. The local governing  
119 authority shall be allowed to limit the scope of a project initiation permit and limit the  
120 areas of the site to which the project initiation permit may apply but shall permit the  
121 applicant to begin work on the project, provided that portion of the initial phase of work  
122 is compliant with applicable codes, laws, and rules. ~~If a full permit is not issued for the~~  
123 ~~portion requested for permitting, then the governing authority shall have an additional 20~~  
124 ~~business days to complete the review and issue the full permit.~~ If the plans submitted for  
125 permitting are denied for any deficiency, the time frames and process for resubmittal shall  
126 be governed by subparagraphs (C) through (E) of paragraph ~~(7)~~ (13) of this subsection.  
127 ~~On or before July 1, 2007, the Board of Natural Resources shall adopt rules and~~  
128 ~~regulations governing the review of erosion and sedimentation control plans under Part~~  
129 ~~9 of Chapter 7 of Title 12 to establish appropriate time frames for the submission and~~  
130 ~~review of revised plan submittals where a deficiency or deficiencies in the submitted~~  
131 ~~plans have been identified by the governing authority.~~ Any delay in the processing of an  
132 application that is attributable to a cause outside the control of the county or municipality  
133 that is processing the application or through fault of the applicant shall not count toward  
134 days for the purposes of this subsection.

135 ~~(2)~~(8) Any plan review or inspection conducted by a private professional provider shall  
 136 be no less extensive than plan reviews or inspections conducted by county or municipal  
 137 personnel.

138 ~~(3)~~(9) The person, firm, or corporation retaining a private professional provider to  
 139 conduct a plan review or an inspection shall be required to pay to the county or  
 140 municipality which requires the plan review or inspection the ~~same~~ regulatory fees and  
 141 charges ~~which would have been required had the plan review or inspection been~~  
 142 ~~conducted by a county or municipal inspector~~ which are required by either paragraph (5)  
 143 or (6) of this subsection, as applicable.

144 ~~(4)~~(10) A private professional provider performing plan reviews under this subsection  
 145 shall review ~~construction~~ plans to determine compliance with the Georgia State Minimum  
 146 Standard Codes most recently adopted by the Department of Community Affairs and any  
 147 locally adopted ordinances and amendments to such codes. Upon determining that the  
 148 plans reviewed comply with the applicable codes, such private professional provider shall  
 149 prepare an affidavit or affidavits on a form adopted by the Department of Community  
 150 Affairs certifying under oath that the following is true and correct to the best of such  
 151 private professional provider's knowledge and belief and in accordance with the  
 152 applicable professional standard of care:

153 (A) The plans were reviewed by the affiant who is duly authorized to perform plan  
 154 review pursuant to this subsection and who holds the appropriate license or  
 155 certifications and insurance coverage stipulated in this subsection;

156 (B) The plans comply with the Georgia State Minimum Standard Codes most recently  
 157 adopted by the Department of Community Affairs and any locally adopted ordinances  
 158 and amendments to such codes; and

159 (C) The plans submitted for plan review are in conformity with plans previously  
 160 submitted to obtain governmental approvals required in the plan submittal process and  
 161 do not make a change to the project reviewed for such approvals.

162 ~~(5)~~(11) All private professional providers providing plan review or inspection services  
 163 pursuant to this subsection shall secure and maintain insurance coverage for professional  
 164 liability (errors and omissions) insurance. The limits of such insurance shall be not less  
 165 than \$1 million per claim and \$1 million in aggregate coverage for any project with a  
 166 construction cost of \$5 million or less and \$2 million per claim and \$2 million in  
 167 aggregate coverage for any project with a construction cost of more than \$5 million.  
 168 Such insurance may be a practice policy or project-specific coverage. If the insurance  
 169 is a practice policy, it shall contain prior acts coverage for the private professional  
 170 provider. If the insurance is project-specific, it shall continue in effect for two years  
 171 following the issuance of the certificate of final completion for the project. A local

172 enforcement agency, local building official, or local government may establish, for  
 173 private professional providers working within that jurisdiction, a system of registration  
 174 listing the private professional providers within their stated areas of competency and  
 175 verifying. The permit applicant shall verify compliance with the insurance requirements  
 176 of this subsection paragraph.

177 ~~(6)~~(12) The private professional provider shall be empowered to perform any plan review  
 178 or inspection required by the governing authority of any county or municipality,  
 179 including, but not limited to, inspections for footings, foundations, concrete slabs,  
 180 framing, electrical, plumbing, heating ventilation and air conditioning (HVAC), or any  
 181 and all other inspections necessary or required for the issuance of a building permit or  
 182 certificate of occupancy by the governing authority of any county or municipality,  
 183 provided that the plan review or inspection is within the scope of such private  
 184 professional provider's area of competency. Nothing in this Code section shall authorize  
 185 any private professional provider to issue a certificate of occupancy. Only a local  
 186 governing authority shall be authorized to issue a certificate of occupancy.

187 ~~(7)(A)~~(13)(A) The permit applicant shall submit a copy of the private professional  
 188 provider's plan review report to the county or municipality within five days of its  
 189 completion. Such plan review report shall include at a minimum all of the following:

- 190 (i) The affidavit of the private professional provider required pursuant to this
- 191 subsection;
- 192 (ii) The applicable fees; and
- 193 (iii) Any documents required by the local official and any other documents necessary
- 194 to determine that the permit applicant has secured all other governmental approvals
- 195 required by law.

196 (B) No more than 30 ~~business~~ days after receipt of a permit application and the  
 197 affidavit from the private professional provider required pursuant to this subsection, the  
 198 local building official shall issue the requested permit or provide written notice to the  
 199 permit applicant identifying the specific plan features that do not comply with the  
 200 applicable codes, as well as the specific code chapters and sections. If the local  
 201 building official does not provide a written notice of the plan deficiencies within the  
 202 prescribed 30 day period, the permit application shall be deemed approved as a matter  
 203 of law and the permit shall be issued by the local building official on the next business  
 204 day.

205 (C) If the local building official provides a written notice of plan deficiencies to the  
 206 permit applicant within the prescribed 30 day period, the 30 day period shall be tolled  
 207 pending resolution of the matter. To resolve the plan deficiencies, the permit applicant

208 may elect to dispute the deficiencies pursuant to this subsection or to submit revisions  
209 to correct the deficiencies.

210 (D) If the permit applicant submits revisions to address the plan deficiencies previously  
211 identified, the local building official shall have the remainder of the tolled 30 day  
212 period plus an additional five business days to issue the requested permit or to provide  
213 a second written notice to the permit applicant stating which of the previously identified  
214 plan features remain in noncompliance with the applicable codes, with specific  
215 reference to the relevant code chapters and sections. If the local building official does  
216 not provide the second written notice within the prescribed time period, the permit shall  
217 be issued by the local building official on the next business day. In the event that the  
218 revisions required to address the plan deficiencies or any additional revisions submitted  
219 by the applicant require that new governmental approvals be obtained, the applicant  
220 shall be required to obtain such approvals before a new plan report can be submitted.

221 (E) If the local building official provides a second written notice of plan deficiencies  
222 to the permit applicant within the prescribed time period, the permit applicant may elect  
223 to dispute the deficiencies pursuant to this subsection or to submit additional revisions  
224 to correct the deficiencies. For all revisions submitted after the first revision, the local  
225 building official shall have an additional five business days to issue the requested  
226 permit or to provide a written notice to the permit applicant stating which of the  
227 previously identified plan features remain in noncompliance with the applicable codes,  
228 with specific reference to the relevant code chapters and sections.

229 ~~(8)~~(14) Upon submission by the private professional provider of a copy of his or her  
230 inspection report to the local governing authority, said local governing authority shall be  
231 required to accept the inspection of the private professional provider without the necessity  
232 of further inspection or approval by the inspectors or other personnel employed by the  
233 local governing authority unless said governing authority has notified the private  
234 professional provider, within two business days after the submission of the inspection  
235 report, that it finds the report incomplete or the inspection inadequate and has provided  
236 the private professional provider with a written description of the deficiencies and  
237 specific code requirements that have not been adequately addressed.

238 ~~(9)~~(15) A local governing authority may provide for the prequalification of private  
239 professional providers who may perform plan reviews or inspections pursuant to this  
240 subsection. No ordinance implementing prequalification shall become effective until  
241 notice of the governing authority's intent to require prequalification and the specific  
242 requirements for prequalification have been advertised in the newspaper in which the  
243 sheriff's advertisements for that locality are published, and by any other methods such  
244 local authority ordinarily utilizes for notification of engineering, architecture, or

245 construction related solicitations. The ordinance implementing prequalification shall  
 246 provide for evaluation of the qualifications of a private professional provider only on the  
 247 basis of the private professional provider's expertise with respect to the objectives of this  
 248 subsection, as demonstrated by the private professional provider's experience, education,  
 249 and training. Such ordinance may require a private professional provider to hold  
 250 additional certifications, provided that such certifications are required by ordinance for  
 251 plan review personnel currently directly employed by such local governing authority.

252 ~~(10)~~(16) Nothing in this subsection shall be construed to limit any public or private right  
 253 of action designed to provide protection, rights, or remedies for consumers.

254 ~~(11)~~(17) This subsection shall not apply to hospitals, ambulatory health care centers,  
 255 nursing homes, jails, penal institutions, airports, buildings or structures that impact  
 256 national or state homeland security, or any building defined as a high-rise building in the  
 257 State Minimum Standards Code; provided, however, that interior tenant build-out projects  
 258 within high-rise buildings are not exempt from this subsection.

259 ~~(12)~~(18) If the local building official determines that the building construction or plans  
 260 do not comply with the applicable codes, the official may deny the permit or request for  
 261 a certificate of occupancy or certificate of completion, as appropriate, or may issue a  
 262 stop-work order for the project or any portion thereof as provided by law, after giving  
 263 notice to the owner, the architect of record, the engineer of record, or the contractor of  
 264 record and by posting a copy of the order on the site of the project and opportunity to  
 265 remedy the violation within the time limits set forth in the notice, if the official  
 266 determines noncompliance with state or local laws, codes, or ordinances, provided that:

267 (A) ~~The~~ A local building official shall be available to meet with the private  
 268 professional provider within two business days to resolve any dispute after issuing a  
 269 stop-work order or providing notice to the applicant denying a permit or request for a  
 270 certificate of occupancy or certificate of completion; and

271 (B) If the local building official and the private professional provider are unable to  
 272 resolve the dispute or meet within the time required by this Code section, the matter  
 273 shall be referred to the local enforcement agency's board of appeals, if one exists, which  
 274 shall consider the matter not later than its next scheduled meeting. Any decisions by  
 275 the local official, if there is no board of appeals, may be appealed to the Department of  
 276 Community Affairs as provided in this chapter. The Department of Community Affairs  
 277 shall develop rules and regulations which shall establish reasonable time frames and  
 278 fees to carry out the provisions of this paragraph.

279 ~~(13)~~(19) The local government, ~~the~~ a local building official, and local building code  
 280 enforcement personnel and agents of the local government shall be immune from liability  
 281 to any person or party for any action or inaction by an owner of a building or by a private



282 professional provider or its duly authorized representative in connection with building  
 283 code plan review and inspection services by private professional providers as provided  
 284 in this subsection.

285 ~~(14)~~(20) No local enforcement agency, local code official, or local government shall  
 286 adopt or enforce any rules, procedures, policies, qualifications, or standards more  
 287 stringent than those prescribed in this subsection. This subsection shall not preempt any  
 288 local laws, rules, or procedures relating to the plan submittal process of local governing  
 289 authorities.

290 ~~(15)~~(21) Nothing in this subsection shall limit the authority of ~~the~~ a local code official  
 291 to issue a stop-work order for a building project or any portion of such project, which  
 292 may go into effect immediately as provided by law, after giving notice and opportunity  
 293 to remedy the violation, if the official determines that a condition on the building site  
 294 constitutes an immediate threat to public safety and welfare. ~~A stop-work~~ stop-work  
 295 order issued for reasons of immediate threat to public safety and welfare shall be  
 296 appealable to the local enforcement agency's board of appeals, if one exists, in the manner  
 297 provided by applicable law. Any decisions by the local official, if there is no board of  
 298 appeals, may be appealed to the Department of Community Affairs as provided in this  
 299 chapter.

300 ~~(16)~~(22) When performing building code plan reviews or inspection services, a private  
 301 professional provider is subject to the disciplinary guidelines of the applicable  
 302 professional licensing board with jurisdiction over such private professional provider's  
 303 license or certification under Chapters 4 and 15 of Title 43, as applicable. Any complaint  
 304 processing, investigation, and discipline that arise out of a private professional provider's  
 305 performance of building code plan reviews or inspection services shall be conducted by  
 306 the applicable professional licensing board. Notwithstanding any disciplinary rules of the  
 307 applicable professional licensing board with jurisdiction over such private professional  
 308 provider's license or certification under Chapters 4 and 15 of Title 43, any local building  
 309 official may decline to accept building code plan reviews or inspection services submitted  
 310 by any private professional provider who has submitted multiple reports which required  
 311 revisions due to negligence, noncompliance, or deficiencies.

312 ~~(17)~~(23) Nothing in this subsection shall apply to inspections exempted in Code Section  
 313 8-2-26.1.

314 (24) To the extent that a provision of this Code section conflicts with requirements of  
 315 federal laws or regulations or impairs a county's or municipality's receipt of federal funds,  
 316 such provision shall not apply."

317

**SECTION 3.**

318 Chapter 7 of Title 12 of the Official Code of Georgia Annotated, relating to control of soil  
 319 erosion and sedimentation, is amended by revising subsection (e) of Code Section 12-7-7,  
 320 relating to permit or notice of intent for land-disturbing activities, approval of application and  
 321 issuance of permit, denial of permit, and bond requirement, as follows:

322 "~~(e) No Except as provided in this subsection, no~~ permit shall be issued pursuant to  
 323 subsection (b) of this Code section unless the erosion and sediment control plan has been  
 324 approved by ~~the~~:

325 ~~(1) The appropriate district as is required~~ provided by Code Section 12-7-10. ~~When the~~:

326 ~~(2) The governing authority of a county or municipality lying within the boundaries of~~  
 327 ~~the district demonstrates capabilities that:~~

328 ~~(A) Demonstrates the capability to review and approve an erosion and sediment control~~  
 329 ~~plan and requests;~~

330 ~~(B) Requests an agreement with the district to conduct such review and approval, the~~

331 The district, with the concurrence of the commission, shall, upon such request, enter  
 332 into an agreement which allows the governing authority to conduct review and approval  
 333 without referring the application and plan to the district, if such governing authority  
 334 meets the conditions specified by the district as set forth in the agreement. A district  
 335 may not enter into an agreement authorized in this Code section paragraph with the  
 336 governing authority of any county or municipality which that is not certified pursuant  
 337 to subsection (a) of Code Section 12-7-8; or

338 ~~(3) An independent licensed professional engineer who:~~

339 ~~(A) Maintains a level 2 certification pursuant to Code Section 12-7-19;~~

340 ~~(B) Is hired by the applicant, provided that such engineer and any engineer partnered~~  
 341 ~~or associated with such engineer did not participate in the design of the erosion and~~  
 342 ~~sediment control plan or the associated project; and~~

343 ~~(C) Demonstrates the capability to review and approve an erosion and sediment control~~  
 344 ~~plan and requests an agreement with the district to conduct such review and approval.~~

345 The district, with the concurrence of the commission, shall, upon such request, enter  
 346 into an agreement which allows such independent licensed professional engineer to  
 347 conduct review and approval without referring the application and plan to the district  
 348 or to the governing authority of the county or municipality, if such independent licensed  
 349 professional engineer meets the conditions specified by the district as set forth in the  
 350 agreement."

351

**SECTION 4.**

352 Said chapter is further amended by revising paragraph (1) of subsection (a) and subsection  
 353 (c) of Code Section 12-7-8, relating to certification of locality as local issuing authority,  
 354 periodic review, procedure for revoking certification, and enforcement actions, as follows:

355 "(a)(1) If a county or municipality has enacted ordinances which meet or exceed the  
 356 standards, requirements, and provisions of this chapter and the state general permit,  
 357 except that the standards, requirements, and provisions of the ordinances for monitoring,  
 358 reporting, inspections, design standards, turbidity standards, education and training, and  
 359 project size thresholds with regard to education and training requirements shall not  
 360 exceed the state general permit requirements, and which are enforceable by such county  
 361 or municipality, and if a county or municipality documents that it employs or contracts  
 362 with qualified personnel to implement enacted ordinances, the director may certify such  
 363 county or municipality as a local issuing authority for the purposes of this chapter."

364 "(c) The board, on or before December 31, 2003, shall promulgate rules and regulations  
 365 setting forth the requirements and standards for certification and the procedures for  
 366 decertification of a local issuing authority. The division may periodically review the  
 367 actions of counties and municipalities which have been certified as local issuing authorities  
 368 pursuant to subsection (a) of this Code section. Such review may include, but shall not be  
 369 limited to, review of the administration and enforcement of and compliance with a  
 370 governing authority's ordinances and review of conformance with an agreement, if any,  
 371 between the district and the governing authority. If such review indicates that the  
 372 governing authority of any county or municipality certified pursuant to subsection (a) of  
 373 this Code section has not administered, enforced, or complied with its ordinances or has  
 374 not conducted the program in accordance with ~~any agreement entered into pursuant to~~  
 375 subsection (e) of Code Section 12-7-7, the division shall notify the governing authority of  
 376 the county or municipality in writing. The governing authority of any county or  
 377 municipality so notified shall have 90 days within which to take the necessary corrective  
 378 action to retain certification as a local issuing authority. If the county or municipality does  
 379 not take necessary corrective action within 90 days after notification by the division, the  
 380 division shall revoke the certification of the county or municipality as a local issuing  
 381 authority."

382

**SECTION 5.**

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