

House Bill 577

By: Representatives Carpenter of the 4th, Jasperse of the 11th, Burns of the 159th, Anulewicz of the 42nd, and Wiedower of the 119th

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Title 32 and Code Section 40-6-181 of the Official Code of Georgia Annotated,
2 relating to highways, bridges, and ferries and maximum speed limits, respectively, so as to
3 provide for a proposal guaranty for bids upon certain projects; to provide for the licensing
4 of airports; to provide for definitions; to provide for issuance of cease and desist orders and
5 punishment; to provide for posting of signage of maximum speed limits; to provide for
6 related matters; to repeal conflicting laws; and for other purposes.

7 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

8 **SECTION 1.**

9 Title 32 of the Official Code of Georgia Annotated, relating to highways, bridges, and ferries,
10 is amended in Code Section 32-2-65, relating to advertising for bids, by revising
11 paragraph (5) of subsection (b) as follows:

12 "(5) The amount of the required proposal guaranty, if one is required;"

13 **SECTION 2.**

14 Said title is further amended in Code Section 32-2-68, relating to proposal guaranty by bidder
15 for highway projects, by revising subsection (a) as follows:

16 "(a) No bid for capital construction or capital maintenance will be considered by the
17 department unless it is accompanied by a proposal guaranty in the form of a certified check
18 or other acceptable security payable to the treasurer of the department for an amount
19 deemed by the department to be in the public interest and necessary to ensure that the
20 successful bidder will execute the contract ~~on which he bid~~ upon."

SECTION 3.

22 Said title is further amended by revising Code Section 32-9-8, relating to licensing airports,
23 as follows:

24 "32-9-8.

25 (a) As used in this Code section, the term:

26 (1) 'Aircraft' means any machine, whether heavier or lighter than air, used or designed
27 for navigation of or flight in the air.

28 (2) 'Airport' means any area of land, water, or mechanical structure which is used for the
29 landing and takeoff of aircraft and is open to the general public, as evidenced by the
30 existence of a current and approved Federal Aviation Administration Form 7480-I or any
31 successor application, for such use without prior permission or restrictions and includes
32 any appurtenant structures and areas which are used or intended to be used for airport
33 buildings, other airport facilities, rights of way, or easements; provided, however, that
34 the term 'airport' shall not include the following facilities used as airports:

35 (A) Facilities owned or operated by the United States government or an agency
36 thereof;

37 (B) Privately owned facilities not open to the general public when such airports do not
38 interfere with the safe and efficient use of air space of an airport for which a license or
39 an airport operating certificate issued under 14 C.F.R. Part 139 of the regulations of the
40 Federal Aviation Administration or any successor regulation has been granted; and

41 (C) Facilities being operated pursuant to a current airport operating certificate issued
42 by the Federal Aviation Administration 14 C.F.R. Part 139 relating to certification
43 requirements for airports serving scheduled air carrier operations or any successor
44 agency of the United States government; and

45 (D) Any facility served by a scheduled air carrier operating under a certificate of public
46 convenience and necessity issued by the Civil Aeronautics Board or any successor
47 agency of the United States government.

48 (3) 'Person' means an individual, firm, corporation, partnership, company, association,
49 joint-stock association, municipality, county, or state agency, authority, or political
50 subdivision and includes any director, employee, agent, trustee, receiver, assignee, or
51 other similar representative thereof.

52 (b) It is declared that the operation of airports used by the public for general aviation
53 purposes but which are operated without regulation as to minimum and uniform safety
54 requirements endangers the lives and property of persons operating aircraft at these
55 facilities, the passengers of aircraft operated by such persons, and the occupants of lands
56 in the vicinity of such facilities. For the purpose of establishing and improving a system
57 of safer airports and to foster safer operating conditions at these airports, the department
58 is authorized and directed to provide for the licensing of airports. The department may
59 charge a license fee of \$100.00 per runway, up to a maximum of \$400.00, for each original
60 license and each renewal thereof. All licenses shall be renewed biennially. In
61 promulgating the rules and regulations establishing minimum standards, the department
62 shall consult with the Georgia Aviation Trades Association.

63 (c) The department shall issue a permit or renewal thereof to any owner of an airport who
64 that applies for a permit or renewal thereof, if, upon investigation, the department
65 determines that the airport meets minimum standards, prescribed by the department in its
66 rules and regulations, in the areas of geometric layout, navigational aids, lighting, approach
67 surfaces, landing surfaces, runway markings, and separation between airport sites, provided

68 that no permit shall be denied the owner or operator of an airport in existence on July 1,
69 1978, because of the failure to meet minimum standards prescribed with regard to
70 geometric layout and separation between airport sites.

71 (d) ~~Within nine months after July 1, 1978, the~~ The department shall promulgate and
72 publish reasonable rules and regulations establishing the minimum standards provided for
73 in subsection (c) of this Code section, the procedure for obtaining, renewing, and revoking
74 a license, and such other procedures and conditions as are reasonable and necessary to
75 carry out this Code section.

76 (e) ~~Within six months after the effective date of the rules and regulations adopted by the~~
77 ~~department, the owner of each airport in this state shall apply, on forms prescribed by the~~
78 ~~department, for a license to operate the airport.~~ Within 60 days after the receipt of a
79 properly filled out application for a license, with appropriate fee, the department shall act
80 upon the application.

81 (f) All applications for renewal of a license shall be made to the department no later than
82 60 days prior to the expiration of the existing license.

83 (g) Applications for a license or renewal thereof may be denied, or a license may be
84 revoked, by the department, after notice and opportunity for hearing to the licensee, when
85 the department shall reasonably determine:

- 86 (1) That the licensee has failed to comply with the conditions of the license or renewal
87 thereof;
- 88 (2) That the licensee has failed to comply with the minimum standards prescribed by the
89 department pursuant to this Code section; or
- 90 (3) That because of changed physical or legal conditions or circumstances the airport has
91 become either unsafe or unusable for the purposes for which the license or renewal was
92 issued.

93 (h) The decision of the department to deny or revoke any license or renewal thereof shall
94 be subject to review in the manner prescribed for the review of contested cases as
95 prescribed by Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

96 (i)(1) It After September 30, 1979, it shall be unlawful for any person to own or operate
97 an airport without first obtaining and thereafter maintaining a valid license as required
98 by this Code section. Any person owning or operating an airport without a valid license
99 as prescribed by this Code section shall be subject to a civil penalty in an amount not to
100 exceed \$100.00, to be imposed by the commissioner.

101 (2) Whenever it appears or is made known to the department that any person is operating
102 an airport without a valid license, the department may issue an initial written cease and
103 desist order requiring such person to cease and desist immediately from such
104 unauthorized activity. Such cease and desist order shall become final 20 calendar days
105 from the date of issuance as noted on the order. If the proper license or evidence of
106 exemption from licensure requirements during the time of the alleged unlicensed activity
107 is provided to the department's satisfaction within the 20-day period, the order shall not
108 become final and shall be rescinded in writing by the department. Review of an
109 administrative decision of the department entered pursuant to this paragraph shall be
110 available solely in the superior court of the county of domicile of the department.

111 (3) When a person fails to comply with the terms of a final cease and desist order of the
112 department, the department may, through the Attorney General and upon three days'
113 written notice to such person, petition the superior court in the county where the
114 unlicensed airport is located for an order directing such person to obey the final cease and
115 desist order of the department. Upon the filing of such petition, the court shall allow a
116 motion to show cause as to why a final cease and desist order of the department should
117 be affirmed. After a hearing upon the merits or after failure of such person to appear
118 when ordered, the court may grant the petition of the department.

(4)(A) Any person that violates the terms of an order issued pursuant to this subsection shall be liable to the department for a civil penalty not to exceed \$1,000.00 per violation per day.

(B) In determining the amount of penalty, the department shall consider the appropriateness of the penalty relative to the gravity of the violation, the history of any previous violation by such person, and any other such contributing factors or circumstances. The department may, in its discretion, compromise or modify any penalty that is subject to imposition or has been imposed pursuant to this paragraph. Any violator that is assessed a civil penalty may also be assessed the cost of collection, including, but not limited to, interest, court costs, and attorney's fees.

(C) Any person assessed a civil penalty as provided in this paragraph shall have the right to request a hearing into the matter as provided for in Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act' within ten days after notification of the assessment has been served upon the person involved; otherwise, such penalty shall be final.

(5) All penalties and fines recovered by the department pursuant to paragraph (4) of this subsection shall be paid to the general fund of the state; provided, however, that the department in its discretion may remit such amounts net of the cost of recovery if the department makes an accounting of all such costs and expenses of recovery."

SECTION 4.

Code Section 40-6-181 of the Official Code of Georgia Annotated, relating to maximum speed limits, is amended by revising paragraph (1) of subsection (b) as follows:

"(1) Thirty miles per hour in any urban or residential district unless otherwise designated by appropriate signs."

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SECTION 5.

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