

Senate Bill 254

By: Senators Hecht of the 34<sup>th</sup>, Polak of the 42<sup>nd</sup>, Kemp of the 3<sup>rd</sup> and Brown of the 26<sup>th</sup>

**AS PASSED**

A BILL TO BE ENTITLED

AN ACT

To amend Chapter 14 of Title 43 of the Official Code of Georgia Annotated, relating to the regulation of electrical contractors, plumbers, conditioned air contractors, low-voltage contractors, and utility contractors, so as to provide that a person who is not licensed as a conditioned air contractor shall be prohibited from advertising in any manner that such person is in the business or profession of a conditioned air contractor unless the work is performed by a licensed conditioned air contractor; to change the provisions relating to certain cease and desist orders relating to the profession of a conditioned air contractor; to repeal provisions and procedures relating to the seizure of certain commercial vehicles; to repeal certain provisions relating to employing or contracting for services of any unlicensed individuals or entities; to provide that if a person is in violation of certain provisions of this chapter, it shall not be necessary for an investigator to observe or witness the unlicensed person engaged illegally in the process of work or to show work in progress or work completed in order to prove the unlawful practice of conditioned air contracting by an unlicensed person; to change certain penalty provisions relating to violations of said chapter; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Chapter 14 of Title 43 of the Official Code of Georgia Annotated, relating to the regulation of electrical contractors, plumbers, conditioned air contractors, low-voltage contractors, and utility contractors, is amended by striking in its entirety subsection (c) of Code Section 43-14-8, relating to licensing required for electrical, plumbing, or conditioned air contracting, and inserting in lieu thereof a new subsection (c) to read as follows:

"(c)(1) No person shall engage in the business of conditioned air contracting as a conditioned air contractor unless such person has a valid license from the Division of Conditioned Air Contractors.

(2) A person who is not licensed as a conditioned air contractor shall be prohibited from advertising in any manner that such person is in the business or profession of a

1 conditioned air contractor unless the work is performed by a licensed conditioned air  
2 contractor."

### 3 **SECTION 2.**

4 Said chapter is further amended by striking in its entirety Code Section 43-14-12.1, relating  
5 to cease and desist orders in connection with the profession of a conditioned air contractor,  
6 and inserting in lieu thereof a new Code Section 43-14-12.1 to read as follows:

7 "43-14-12.1.

8 (a) If a person is in violation of paragraph (1) or (2) of subsection (c) of Code Section  
9 43-14-8, it shall not be necessary for an investigator to observe or witness the unlicensed  
10 person engaged illegally in the process of work or to show work in progress or work  
11 completed in order to prove the unlawful practice of conditioned air contracting by an  
12 unlicensed person.

13 (b) It shall be prima-facie evidence of a violation of this chapter if any person not licensed  
14 as a conditioned air contractor advertises that such person is in the business or profession  
15 of a conditioned air contractor or advertises in a manner such that the general public would  
16 believe that such person is a licensed conditioned air contractor or in the business or  
17 profession of a conditioned air contractor. Advertising under this subsection includes, but  
18 is not limited to, newspaper, television, radio, telephone directory, mailings, business cards,  
19 or sign at place of business or attached to a vehicle.

20 (c) Notwithstanding the provisions of Code Section 43-1-20.1, after notice and hearing,  
21 the board may issue a cease and desist order prohibiting any person from violating the  
22 provisions of this chapter by engaging in the business or profession of a conditioned air  
23 contractor without a license as required under this chapter.

24 (d) The violation of any cease and desist order of the board issued under subsection (c) of  
25 this Code section shall subject the person violating the order to further proceedings before  
26 the board, and the board shall be authorized to impose a fine not to exceed \$500.00 for each  
27 violation thereof. Each day that a person practices in violation of this Code section and  
28 chapter shall constitute a separate violation.

29 (e) Nothing in this Code section shall be construed to prohibit the board from seeking  
30 remedies otherwise available by statute without first seeking a cease and desist order in  
31 accordance with the provisions of this Code section."

### 32 **SECTION 3.**

33 Said chapter is further amended by striking in its entirety Code Section 43-14-14, relating  
34 to the penalty applicable under said chapter, and inserting in lieu thereof a new code Section  
35 43-14-14 to read as follows:

1 "43-14-14.

2 Any person violating this chapter shall be guilty of a misdemeanor and, upon conviction  
3 thereof, shall be fined not more than \$1,000.00 or imprisoned for not more than six months,  
4 or both."

5 **SECTION 4.**

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