

House Bill 904

By: Representatives Vance of the 133rd, Jackson of the 128th, Campbell of the 171st, Mainor of the 56th, and Washburn of the 144th

A BILL TO BE ENTITLED
AN ACT

1 To amend Titles 8, 10, 36, 43, and 46 of the Official Code of Georgia Annotated, relating to
2 buildings and housing, commerce and trade, local government, professions and businesses,
3 and public utilities and public transportation, respectively, so as change certain provisions
4 relating to certain professions practicing in this state; to change certain provisions relating
5 to electrical contractors, plumbers, conditioned air contractors, low voltage contractors, and
6 utility contractors; to change certain definitions; to provide for qualifications of the State
7 Construction Industry Licensing Board; to provide for certain restrictions relating to classes
8 of low voltage licenses; to change certain provisions related to the power and duties of the
9 divisions and the division director; to provide for additional licensing requirements; to
10 provide requirements for license renewals and inactive licenses; to provide for approval of
11 safety training; to change certain provisions relating to applicability; to provide for
12 conforming cross-references and terminology; to provide for related matters; to provide for
13 an effective date; to repeal conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I**SECTION 1-1.**

Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, is amended by revising Chapter 14, relating to electrical contractors, plumbers, conditioned air contractors, low-voltage contractors, and utility contractors, as follows:

"CHAPTER 14**43-14-1.**

This chapter is enacted for the purpose of safeguarding homeowners, other property owners, tenants, and the general public against faulty, inadequate, inefficient, or unsafe electrical, plumbing, ~~low-voltage~~ low voltage wiring, utility contracting, or conditioned air installations. The practice of electrical contracting, plumbing contracting, ~~installing, or repairing, low-voltage~~ low voltage contracting, utility contracting, and conditioned air contracting are declared to be businesses or professions affecting the public interest; and this chapter shall be liberally construed so as to accomplish the purposes stated in this Code section.

43-14-2.

As used in this chapter, the term:

~~(1)~~(1) 'Alarm system' means any device or combination of devices used to detect a situation, causing an alarm in the event of a burglary, fire, robbery, medical emergency, or equipment failure, or on the occurrence of any other predetermined event.

~~(1)~~(2) 'Board' means the State Construction Industry Licensing Board.

~~(2)~~(3) 'Certificate of competency' means a valid and current certificate issued by the Division of Electrical Contractors created in Code Section 43-14-3, which certificate shall

give the named electrical contractor to which it is issued authority to engage in electrical contracting of the kind described therein. Certificates of competency shall be of two kinds, Class I and Class II, according to the classification of license held by the electrical contractor.

(3)(4) 'Conditioned air contracting' means the installation, repair, or service of conditioned air systems or conditioned air equipment, which includes, but is not limited to:

(A) Service to or installation of the electrical connection between the electrical disconnect and conditioned air equipment ~~is considered to be installation, repair, or service of conditioned air equipment or the conditioned air system;~~ and

(B) Service to or installation of the electrical circuit from the electrical distribution panel to the conditioned air equipment where the electrical service to the building or site is a single-phase electrical circuit not exceeding 200 amperes ~~is considered to be installation, repair, or service of conditioned air equipment or the conditioned air system.~~

(4)(5) 'Conditioned air contractor' means ~~an individual who is~~ any person engaged in conditioned air contracting under express or implied contract or ~~who~~ that bids for, offers to perform, purports to have the capacity to perform, or does perform conditioned air contracting services under express or implied contract. ~~The term 'conditioned air contractor'~~ Such term shall not include ~~a person~~ an individual who is an employee of a conditioned air contractor and who receives only a salary or hourly wage for performing conditioned air contracting work.

(5)(6) 'Conditioned air equipment' means heating and air-conditioning equipment covered under state codes and the natural gas piping system on the outlet side of the gas meter.

(6)(7) 'Electrical contracting' means the installation, maintenance, alteration, or repair of any electrical equipment, apparatus, control system, or electrical wiring device which

is attached to or incorporated into any building or structure in this state but shall not include ~~low-voltage~~ low voltage contracting.

~~(7)~~(8) 'Electrical contractor' means any person ~~who engages~~ engaged in the business of electrical contracting under express or implied contract or ~~who~~ that bids for, offers to perform, purports to have the capacity to perform, or does perform electrical contracting services under express or implied contract. ~~The term 'electrical contractor'~~ Such term shall not include ~~a person~~ an individual who is an employee of an electrical contractor and who receives only a salary or hourly wage for performing electrical contracting work.

~~(8)~~(9) 'Executive director' means the executive director of the State Construction Industry Licensing Board.

~~(8.1)~~(10) 'General system' means any electrical system, other than an alarm or telecommunication system, involving ~~low-voltage~~ low voltage wiring.

~~(9)~~(11) 'Journeyman plumber' means any ~~person~~ individual other than a master plumber who has practical knowledge of the installation of plumbing and installs plumbing under the direction of a master plumber.

~~(10)~~(12) 'License' means a valid and current certificate of registration issued by a division of the board, which certificate shall give the named person to whom it is issued authority to engage in the activity prescribed thereon.

~~(10.1)~~(13) 'Low voltage ~~Low-voltage~~ contracting' means the installation, alteration, service, or repair of a telecommunication system, alarm system, or general system involving ~~low-voltage~~ low voltage wiring.

~~(10.2)~~(14) 'Low voltage ~~Low-voltage~~ contractor' means ~~an individual who is~~ any person engaged in ~~low-voltage~~ low voltage contracting under express or implied contract or ~~who~~ that bids for, offers to perform, purports to have the capacity to perform, or does perform ~~low-voltage~~ low voltage contracting services under express or implied contract. ~~An employee of a low-voltage contractor who receives only a salary or hourly wage for performing low-voltage contracting work shall not be required to be licensed under this~~

chapter, except that those employees upon whom the qualification of a partnership, limited liability company, or corporation rests as outlined in subsection (b) of Code Section 43-14-8.1 shall be licensed.

(10.3)(15) 'Low voltage' ~~Low-voltage~~ wiring' means:

(A) Wiring systems of 50 volts or less and control circuits directly associated therewith;

(B) Wiring systems having a voltage in excess of 50 volts, provided such systems consist solely of power limited circuits meeting the definition of a Class II and Class III wiring system as defined in Article 725 of the National Electrical Code; or

(C) Line voltage wiring having a voltage not in excess of 300 volts to ground and installed from the load-side terminals of a suitable disconnecting means which has been installed for the specific purpose of supplying the ~~low-voltage~~ low voltage wiring system involved or installed from a suitable junction box which has been installed for such specific purpose.

(11)(16) 'Master plumber' means any individual ~~engaging~~ engaged in the business of plumbing under express or implied contract or who bids for, offers to perform, purports to have the capacity to perform, or does perform plumbing contracting services under express or implied contract.

(12)(17) 'Plumbing' means:

(A) The ~~the~~ practice of installing, maintaining, altering, or repairing piping fixtures, appliances, and appurtenances in connection with sanitary drainage or storm drainage facilities, venting systems, medical gas piping systems, natural gas piping systems on the outlet side of gas meters, or public or private water supply systems within or adjacent to any building, structure, or conveyance; ~~provided, however, that after July 1, 1997, only master plumbers and journeyman plumbers who have been certified by the Division of Master Plumbers and Journeyman Plumbers to perform such tasks shall be~~

~~authorized to install, maintain, alter, or repair medical gas piping systems. The term~~
~~'plumbing' also includes the and~~

(B) The practice of and materials used in installing, maintaining, extending, or altering the natural gas, storm-water, sewerage, and water supply systems of any premises to their connection with any point of public disposal or other acceptable terminal; ~~provided, however, that licensure under this chapter shall not be required for a contractor certified by the Department of Public Health to make the connection to any on-site waste-water management system from the stub out exiting the structure to an on-site waste-water management system. Notwithstanding any other provision of this chapter, any person who holds a valid master plumbing license or any company which holds a valid utility contractor license shall be qualified to construct, alter, or repair any plumbing system which extends from the property line up to but not within five feet of any building, structure, or conveyance, regardless of the cost or depth of any such plumbing system.~~

~~(12.1)~~(18) 'Telecommunication system' means a switching system and associated apparatus which performs the basic function of two-way voice or data service, or both, and which can be a commonly controlled system capable of being administered both locally and remotely via secured access.

~~(13)~~(19) 'Utility contracting' means undertaking to construct, erect, alter, or repair or have constructed, erected, altered, or repaired any utility system.

~~(14)~~(20) 'Utility contractor' means a sole proprietorship, partnership, or corporation which is engaged in utility contracting under express or implied contract or which bids for, offers to perform, purports to have the capacity to perform, or does perform utility contracting under express or implied contract.

~~(15)~~(21) 'Utility foreman' means any individual who is employed by a licensed contractor to supervise the construction, erection, alteration, or repair of utility systems.

(16)(22) 'Utility manager' means any individual who is employed by a utility contractor to have oversight and charge of the construction, erection, alteration, or repair of utility systems.

(17)(23) 'Utility system' means:

(A) Any system at least five feet underground, when installed or accessed by trenching, open cut, cut and cover, or other similar construction methods which install or access the system from the ground surface, including, but not limited to, gas distribution systems, electrical distribution systems, communication systems, water supply systems, and sanitary sewerage and drainage systems; and

(B) Reservoirs and filtration plants, water and waste-water treatment plants, leachate collection and treatment systems associated with landfills, and pump stations, when the system distributes or collects a service, product, or commodity for which a fee or price is paid for said service, product, or commodity or for the disposal of said service, product, or commodity.

43-14-3.

(a) There is created within the executive branch of state government the State Construction Industry Licensing Board. The board shall be assigned to the Secretary of State's office for administrative purposes and shall be under the jurisdiction of the division director.

(b) The board shall be composed of 27 members as follows:

(1) Five members known as the Division of Electrical Contractors, one of whom shall be a consulting professional engineer engaged in electrical practice, another of whom shall be ~~the chief electrical~~ an inspector with electrical inspection duties of a county or municipality, ~~and shall have served in such office for five years immediately preceding appointment to the board~~ a third-party inspector regularly providing inspections to a county or municipality, and the remaining three of whom shall be ~~engaged in the electrical contracting business~~ licensed electrical contractors in this state;

(2) Five members known as the Division of Master Plumbers and Journeyman Plumbers, one of whom shall be a full-time plumbing inspector of a county or municipality, three of whom shall be master or contracting plumbers, and one of whom shall be a journeyman plumber;

(3) Five members known as the Division of Conditioned Air Contractors, one of whom shall be a licensed professional engineer engaged in mechanical practice, one of whom shall be the chief conditioned air inspector of a county or municipality, and three of whom shall be conditioned air contractors with more than five years of installation and service experience in the trade;

(4) Five members known as the Division of ~~Low-voltage~~ Low Voltage Contractors, one of whom shall be an alarm system ~~low-voltage~~ low voltage contractor, one of whom shall be an unrestricted ~~low-voltage~~ low voltage contractor, one of whom shall be a telecommunication system ~~low-voltage~~ low voltage contractor, one of whom shall be a professional electrical engineer, and one of whom shall be ~~the chief electrical~~ an inspector with electrical inspection duties of a county or municipality or contracted by a county or municipality to perform electrical inspections;

(5) Five members known as the Division of Utility Contractors, three of whom shall be utility contractors, one of whom shall be a registered professional engineer, and one of whom shall be an insurance company representative engaged primarily in the bonding of construction projects; and

(6) Two members who shall not have any connection with the electrical contracting, plumbing, or conditioned air contracting businesses whatsoever but who shall have a recognized interest in consumer affairs and consumer protection concerns.

(c) All members shall be appointed by the Governor, subject to confirmation by the Senate, for four-year terms.

(d) A member shall serve until a successor has been duly appointed and qualified.

(e) The Governor shall make appointments to fill the unexpired portions of any terms vacated for any reason. In making such appointments, the Governor shall preserve the composition of the board as required by this chapter. Members shall be eligible for reappointment.

(f) Any ~~appointive~~ appointed member who, during his or her term, shall cease to meet the qualifications for original appointment shall ~~thereby~~ forfeit membership on the board.

(g) Each member of the board shall take an oath of office before the Governor or the Governor's designee to faithfully perform the duties of such office.

(h) The Governor may remove any member for failure to attend meetings, neglect of duty, incompetence, revocation or suspension of professional trade license, or other dishonorable conduct.

(i) Members of the board shall be reimbursed as provided for in subsection (f) of Code Section 43-1-2.

43-14-4.

(a) The office of chairperson shall be rotated among the five divisions enumerated in Code Section 43-14-3 unless the board, through its rules and regulations, provides otherwise. Any vacancy in the office of chairperson shall be filled by the members for the unexpired term. The ~~person~~ individual selected to fill the vacancy shall be a member of the same division as the previous chairperson.

(b) The board shall meet at the call of the chairperson or upon the recommendation of a majority of its members.

(c) Each division within the board shall also elect from its membership a chairperson who shall serve for a term of two years. Any vacancy in the office of chairperson shall be filled by one of the members for the unexpired term.

(d) Any member elected chairperson of a division may serve more than one consecutive term of office.

(e) Each division shall carry out its powers and duties provided for in this chapter with the assistance of the executive director and staff of the board.

(f) The divisions shall meet at the call of the chairperson.

(g) Three members of each division shall constitute a quorum for the transaction of business of such division.

43-14-5.

The board shall have the power to:

(1) Request from the various state departments and other agencies and authorities of the state and its political subdivisions and their agencies and authorities such available information as it may require in its work; and all such agencies and authorities shall furnish such requested available information to the board within a reasonable time;

(2) Provide by regulation for reciprocity with other states in the registration and licensing of electrical contractors, master plumbers, journeyman plumbers, ~~low-voltage~~ low voltage contractors, utility contractors, or conditioned air contractors and in the certification of utility contracting foremen, provided that such other states have requirements substantially ~~equal~~ similar to the requirements in force in this state for registration, licensure, and certification; provided, further, that a similar privilege is offered to residents of this state;

(3) Adopt an official seal for its use and ~~change it at pleasure~~ modify such seal as the boards deem necessary;

(4) Establish ~~the~~ policies for regulating the businesses of electrical contracting, ~~plumbing, low-voltage, utility~~ plumbing contracting, low voltage contracting, utility contracting, and conditioned air contracting;

~~(4.1)~~(5) Upon notice and hearing authorized and conducted in accordance with Code Section ~~43-14-10~~ 43-14-14 and any rules and regulations promulgated by the board, either by the board directly or through a valid delegation of the board's enforcement

power to a division thereof, assess civil penalties in an amount up to \$10,000.00 per violation against any person found to be in violation of any requirement of this chapter; ~~(5)(6)~~ Determine qualifications for licensure or certification including such experience requirements as the board deems necessary; and ~~(6)(7)~~ Promulgate and adopt rules and regulations necessary to carry out this chapter.

43-14-6.

(a) The Division of Electrical Contractors, with respect to applicants for a license to engage in or licensees engaging in the business of electrical contracting; the Division of Master Plumbers and Journeyman Plumbers, with respect to applicants for a license to engage in or licensees engaging in the business of plumbing as master plumbers or journeyman plumbers; the Division of ~~Low-voltage~~ Low Voltage Contractors, with respect to applicants for a license to engage in or licensees engaging in the business of ~~low-voltage~~ low voltage contracting; the Division of Utility Contractors with respect to applicants for a license to engage in or licensees engaging in the business of utility contracting and with respect to applicants for a certificate to be a utility manager or utility foreman or holders of a utility manager or utility foreman certificate; and the Division of Conditioned Air Contractors, with respect to applicants for a license to engage in or licensees engaging in the business of conditioned air contracting, shall:

(1) Approve examinations for all applicants for licenses or certificates, except for utility contractor licenses and utility foreman certificates, as follows:

(A) The Division of Electrical Contractors shall approve separate examinations for Class I and Class II licenses. Class I licenses shall be restricted to electrical contracting involving multifamily structures of not more than two levels or single-family dwellings of up to three levels. ~~In addition, the;~~ provided, however, that such structures shall have single-phase electrical installations which do not exceed 400 amperes at the service drop or the service lateral. Class II licenses shall be unrestricted;

(B) The Division of Master Plumbers and Journeyman Plumbers shall approve separate examinations for Master Plumber Class I, Master Plumber Class II, and Journeyman Plumbers. Master Plumber Class I licenses shall be restricted to plumbing involving single-family dwellings and one-level dwellings designed for not more than two families and commercial structures not to exceed 10,000 square feet in area. Master Plumber Class II licenses shall be unrestricted. Only Master Plumber Class II licenses and Journeyman Plumbers shall be authorized to install, maintain, alter, or repair medical gas piping systems;

(C) The Division of Conditioned Air Contractors shall approve separate examinations for Class I and Class II licenses. Class I licenses shall be restricted to the installation, repair, or service of conditioned air systems or equipment not exceeding 175,000 BTU (net) of heating and five tons (60,000 BTU) of cooling. Class II licenses shall be unrestricted; and

(D) The Division of ~~Low-voltage~~ Low Voltage Contractors shall approve separate examinations for:

(i) ~~Low Voltage Low-voltage~~ Low Voltage Contractor Class LV-A; licenses restricted to alarm and general system low voltage contracting;

(ii) ~~Low Voltage Low-voltage~~ Low Voltage Contractor Class LV-T; licenses restricted to telecommunication and general system low voltage contracting;

(iii) Low Voltage Contractor Class LV-G licenses restricted to general system low voltage contracting; and

(iv) Low Voltage Contractor ~~Low-voltage Contractor Class LV-U, and Low-voltage Contractor Class LV-G. Class LV-A licenses shall be restricted to alarm and general system low-voltage contracting, Class LV-T licenses shall be restricted to telecommunication and general system low-voltage contracting, Class LV-G licenses shall be restricted to general system low-voltage contracting, and Class LV-U licenses~~

that shall be unrestricted and permit the performance of alarm, telecommunication, and general system ~~low-voltage~~ low voltage contracting;

(2) Register and license or grant a certificate and issue renewal licenses and renewal certificates biennially to all persons meeting the qualifications for a license or certificate.

The following licenses or certificates shall be issued by the divisions:

- (A) Electrical Contractor Class I;
- (B) Electrical Contractor Class II;
- (C) Master Plumber Class I;
- (D) Master Plumber Class II;
- (E) Journeyman Plumber;
- (F) Conditioned Air Contractor Class I;
- (G) Conditioned Air Contractor Class II;
- (H) ~~Low-voltage~~ Low Voltage Contractor Class LV-A;
- (I) ~~Low-voltage~~ Low Voltage Contractor Class LV-T;
- (J) ~~Low-voltage~~ Low Voltage Contractor Class LV-G;
- (K) ~~Low-voltage~~ Low Voltage Contractor Class LV-U;
- (L) Utility Contractor; Class A;
- (M) Utility Contractor; Class B;
- (N) Utility Contractor; Class U;
- (O) Utility Manager (certificate); and
- (P) Utility Foreman (certificate);

(3) Investigate, with the aid of the division director, alleged violations of this chapter or other laws and rules and regulations of the board relating to the profession;

(4) After notice and hearing, have the power to reprimand any person, licensee, or certificate holder, or to suspend, revoke, or cancel the license or certificate of or refuse to grant, renew, or restore a license or certificate to any person, licensee, or certificate holder upon any one of the following grounds:

(A) The commission of any false, fraudulent, or deceitful act or the use of any forged, false, or fraudulent document in connection with the license or certificate requirements of this chapter or the rules and regulations of the board;

(B) Failure at any time to comply with the requirements for a license or certificate under this chapter or the rules and regulations of the board;

(C) Habitual intemperance in the use of alcoholic spirits, narcotics, or stimulants to such an extent as to render the license or certificate holder unsafe or unfit to practice any profession licensed or certified under this chapter;

(D) Engaging in any dishonorable or unethical conduct likely to deceive, defraud, or harm the public;

(E) Knowingly performing any act which in any way assists an unlicensed or noncertified person to practice such profession;

(F) Violating, directly or indirectly, or assisting in or abetting any violation of any provision of this chapter or any rule or regulation of the board;

(G) The performance of any faulty, inadequate, inefficient, or unsafe electrical, plumbing, ~~low-voltage~~ low voltage contracting, utility contracting, or conditioned air contracting likely to endanger life, health, or property. The performance of any work that does not comply with the standards set by state codes or by local codes in jurisdictions where such codes are adopted, provided that such local codes are as stringent as the state codes, or by other codes or regulations which have been adopted by the board, shall be prima-facie evidence of the faulty, inadequate, inefficient, or unsafe character of such electrical, plumbing, ~~low-voltage~~ low voltage contracting, utility contracting, or conditioned air contracting; provided, however, that the board, in its sole discretion, for good cause shown and under such conditions as it may prescribe, may restore a license to any person whose license has been suspended or revoked;

(H) With respect to utility contractors, the bidding by such a utility contractor in excess of license coverage; or

(I) With respect to utility contractors, violations of Chapter 9 of Title 25;

(5) Review amendments to or revisions in the state minimum standard codes as prepared pursuant to Part 1 of Article 1 of Chapter 2 of Title 8; and the Department of Community Affairs shall be required to provide to the division director a copy of any amendment to or revision in the state minimum standard codes at least 45 days prior to the adoption thereof; and

(6) Do all other things necessary and proper to exercise their powers and perform their duties in accordance with this chapter.

(b) The Division of Electrical Contractors may also provide, by rules and regulations, for the issuance of certificates of competency pertaining to financial responsibility and financial disclosure; provided, however, that such rules and regulations are adopted by the board. The division shall issue certificates of competency and renewal certificates to persons meeting the qualifications therefor.

(c) The divisions mentioned in subsection (a) of this Code section shall also hear appeals resulting from the suspension of licenses by an approved municipal or county licensing or inspection authority pursuant to Code Section ~~43-14-12~~ 43-14-16.

(d)(~~1~~) The Division of Conditioned Air Contractors shall be authorized to:

(1) Require ~~require~~ persons seeking renewal of Conditioned Air Contractor Class I and Class II licenses to complete board approved continuing education of not ~~more~~ less than four hours annually;

(2) Approve ~~The division shall be authorized to approve~~ courses offered by institutions of higher learning, vocational technical schools, and trade, technical, or professional organizations; provided, however, that continuing education courses or programs related to conditioned air contracting provided or conducted by public utilities, equipment manufacturers, or institutions under the State Board of the Technical College System of

Georgia shall constitute acceptable continuing professional education programs for the purposes of this subsection. ~~Continuing~~ Such continuing education courses or programs shall be in the areas of safety, technological advances, business management, or government regulation. Courses or programs conducted by manufacturers specifically to promote their products shall not be approved. The continuing education requirements of this subsection shall not be required for any licensed conditioned air contractor who is a registered professional engineer;

~~(2)(3) Administer~~ All provisions of this subsection relating to continuing professional education ~~shall be administered by the division;~~

~~(3)(4) Waive~~ The division shall be authorized to waive the continuing education requirements in cases of hardship, disability, or illness or under such other circumstances as the board deems appropriate; and

~~(4)(5) Promulgate~~ The division shall be authorized to promulgate rules and regulations to implement and ensure compliance with the requirements of this Code section.

~~(5) The continuing education requirements of this subsection shall not be required of any licensed conditioned air contractor who is a registered professional engineer.~~

~~(6) This Code section shall apply to each licensing and renewal cycle which begins after the 1990-1991 renewal.~~

(e)(f) The Division of Electrical Contractors shall be authorized to:

(1) Require individuals ~~require persons~~ seeking renewal of Electrical Contractor Class I and Class II licenses to complete board approved courses or courses which meet board criteria for continuing education ~~courses~~ of not ~~more~~ less than four hours annually;

(2) Approve ~~The division shall be authorized to approve~~ continuing education courses to be held within or outside this state that are available to all licensed electrical contractors on a reasonable nondiscriminatory fee basis. Any request for division approval of a continuing education course shall be submitted in a timely manner with due regard for the necessity of investigation and consideration by the division. The division

may contract with institutions of higher learning, professional organizations, or other qualified persons to provide programs that meet the requirements of this ~~paragraph~~ subsection and any rules or regulations established by the division. Such programs shall be self-sustaining by the individual fees set and collected by the provider of the program; and

~~(2)(3) Waive The division shall be authorized to waive~~ the continuing education requirements in cases of hardship, disability, or illness or under such other circumstances as the division deems appropriate.

~~(f)(1)~~ The Division of Utility Contractors shall be authorized to:

(1) Require individuals ~~require persons~~ seeking renewal of utility foreman certificates and utility manager certificates issued under this chapter to complete board approved continuing education of not more than four hours annually;

(2) Approve ~~The division shall be authorized to approve~~ courses offered by institutions of higher learning, vocational-technical schools, and trade, technical, or professional organizations; provided, however, that continuing education courses or programs related to utility contracting provided or conducted by institutions under the State Board of the Technical College System of Georgia shall constitute acceptable continuing professional education programs for the purposes of this subsection; and

~~(2)(3) Waive The division shall be authorized to waive~~ the continuing education requirements in cases of hardship, disability, or illness or under such other circumstances as the division deems appropriate.

~~(g)(1)~~ The Division of Master Plumbers and Journeyman Plumbers shall be authorized to:

(1) Require individuals ~~require persons~~ seeking renewal of Journeyman Plumber, Master Plumber Class I, and Master Plumber Class II licenses to complete board approved continuing education of not ~~more~~ less than four hours annually;

(2) Approve ~~The division shall be authorized to approve~~ courses offered by institutions of higher learning, vocational-technical schools, and trade, technical, or professional

organizations; provided, however, that continuing education courses or programs related to plumbing provided or conducted by institutions under the State Board of the Technical College System of Georgia shall constitute acceptable continuing professional education programs for the purposes of this subsection; and

~~(2)(3) Waive~~ ~~The division shall be authorized to waive~~ the continuing education requirements in cases of hardship, disability, or illness or under such other circumstances as the division deems appropriate.

(h) Each division shall make all reasonable efforts to make the continuing education offered pursuant to this Code section available online or through home study courses and accessible at times outside of the normal work hours of those licensed by such division.

43-14-7.

(a) All orders and processes of the board and the divisions of the board shall be signed and attested by the division director; and any notice or legal process necessary to be served upon the board or the divisions may be served upon the division director.

(b) The division director or his or her designee is vested with the power and authority to make such investigations in connection with the enforcement of this chapter and the rules and regulations of the board as ~~he~~ the director, the board, the divisions of the board, or any district attorney may deem necessary or advisable.

43-14-8.

(a)(1) No person shall engage in the electrical contracting ~~business as an electrical contractor~~ unless such person has a valid license from the Division of Electrical Contractors and a certificate of competency, if such certificates are issued by the division pursuant to subsection (b) of Code Section 43-14-6.

(2) A person ~~who~~ that is not licensed as an electrical contractor or ~~who~~ that does not have a certificate of competency, if such certificates are issued by the division pursuant to

subsection (b) of Code Section 43-14-6, or both as may be applicable, shall be prohibited from advertising in any manner that such person is in the business or profession of electrical contracting unless the work is performed by a licensed electrical contractor.

(b)(1) No person shall engage in ~~the business of~~ plumbing contracting as a master plumber unless such person has a valid license from the Division of Master Plumbers and Journeyman Plumbers. Notwithstanding any other provisions of this chapter, any person who holds a valid master plumber license or any company which holds a valid utility contractor license shall be qualified to construct, alter, or repair any plumbing system which extends from the property line up to but not within five feet of any building, structure, or conveyance, regardless of the cost or depth of any such plumbing system.

(2) No person shall engage in ~~the business of~~ plumbing contracting as a journeyman plumber unless such person has a valid license from the Division of Master Plumbers and Journeyman Plumbers. A person that is not licensed as a journeyman plumber shall be prohibited from advertising in any manner that such person is in the business or profession of plumbing contracting unless the work is performed under the direction of a licensed plumbing contractor.

(3) A person who does not have a valid license from the Division of Master Plumbers and Journeyman Plumbers shall be prohibited from advertising in any manner that such person is in the business or profession of plumbing as a master plumber or journeyman plumber unless such person is licensed by the Division of Master Plumbers and Journeyman Plumbers and unless the work is performed by a licensed plumber.

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

(2) A person ~~who~~ that 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.

(d)(1) No person shall engage in low voltage contracting unless such person has a valid license from the Division of Low Voltage Contractors; provided, however, that an employee of a low voltage contractor who receives only a salary or hourly wage for performing low voltage contracting work shall not be required to be licensed under this chapter, except that those employees upon whom the qualification of a partnership, limited liability company, or corporation rests as provided for in Code Section 43-14-9 shall be required to be licensed.

(2) Except as provided in paragraph (1) of this subsection, a person that is not licensed as a low voltage contractor shall be prohibited from advertising in any manner that such person is in the business or profession of a low voltage contractor unless the work is performed by a licensed low voltage contractor.

~~(d)~~(e) Notwithstanding any other provision of this chapter, prior to and including September 30, 1983, the following persons; desiring to qualify under the provisions stated in this subsection, shall be issued a state-wide license without restriction by the appropriate division of the State Construction Industry Licensing Board, provided that such individual submits proper application and pays or has paid the required fees and is not otherwise in violation of this chapter:

(1) Any individual holding a license issued by the State Construction Industry Licensing Board, prior to the effective date of this chapter;

(2) Any individual holding a license issued by the State Board of Electrical Contractors, the State Board of Examiners of Plumbing Contractors, or the State Board of Warm Air Heating Contractors;

(3) Any individual holding a license to engage in such vocation issued to him or her by any governing authority of any political subdivision; and

(4) Any individual who has successfully and efficiently engaged in such vocation in a local jurisdiction, which did not issue local licenses, for a period of at least two consecutive years immediately prior to the time of application. To prove that he or she has successfully engaged in said vocation, the individual shall only be required to give evidence of three successful jobs completed over such period. Such applicant shall swear before a notary public that such evidence is true and accurate prior to its submission to the division.

~~(e)~~(f) The decision of the division as to the necessity of taking the examination or as to the qualifications of applicants taking the required examination shall, in the absence of fraud, be conclusive. All individuals, partnerships, limited liability companies, or corporations desiring to engage in ~~such vocation after September 30, 1983~~, a business licensed under this chapter shall take the examination and qualify under this chapter before engaging in such vocation or business, including ~~such vocation~~ at the local level.

~~(f)~~(g) No partnership, limited liability company, or corporation shall have the right to engage in the business of electrical contracting unless there is regularly connected with such partnership, limited liability company, or corporation a person or persons ~~actually~~ actively engaged in the performance of such business on a full-time basis who have valid licenses issued to them as provided for in this chapter; provided, however, that partners, officers, and employees of any individual who fulfilled the licensing requirements shall continue to be authorized to engage in the business of electrical contracting under a license which was valid at the time of the licensee's death for a period of 90 days from the date of such death. The division may, at its discretion, upon application by the electrical contractor showing good cause, grant one additional 90 day grace period.

~~(g)~~(h) No partnership, limited liability company, or corporation shall have the right to engage in the business of plumbing unless there is regularly connected with such partnership, limited liability company, or corporation a person or persons ~~actually~~ actively engaged in the performance of such business on a full-time basis who have valid licenses

for master plumbers issued to them as provided in this chapter; provided, however, that partners, officers, and employees of any individual who fulfilled the licensing requirements shall continue to be authorized to engage in the business of plumbing contracting under a license which was valid at the time of the licensee's death for a period of 90 days from the date of such death. The division may, at its discretion, upon application by the plumbing contractor showing good cause, grant one additional 90 day grace period.

~~(h)~~(i) No partnership, limited liability company, or corporation shall have the right to engage in the business of conditioned air contracting unless there is regularly connected with such partnership, limited liability company, or corporation a person or persons ~~actually~~ actively engaged in the performance of such business on a full-time basis who have valid licenses issued to them as provided for in this chapter; provided, however, that partners, officers, and employees of the individual who fulfilled the licensing requirements shall continue to be authorized to engage in the business of conditioned air contracting under a license which was valid at the time of the licensee's death for a period of 90 days ~~following from~~ from the date of such death. The division may, at its discretion, upon application by the conditioned air contractor showing good cause, grant one additional 90 day grace period.

~~(i)~~(j) It shall be the duty of all partnerships, limited liability companies, and corporations qualified under this chapter to notify the appropriate division ~~immediately~~ within seven days of the severance of connection with such partnership, limited liability company, or corporation of any person or persons upon whom such qualification rested.

~~(j)~~(k) Applicants ~~All applicants~~ for examinations and licenses provided for by this chapter and ~~all any~~ applicants for renewal of licenses under this chapter shall be required to ~~fill out a form which shall be provided by each division, showing whether or not~~ complete a division approved form on which the applicant will:

(1) Indicate if the applicant is an individual, partnership, limited liability company, or corporation; and, if

(2) If a partnership, limited liability company, or corporation, provide the names and addresses of the partners or members or the names and addresses of the officers, when and where formed or incorporated, and such other information as the board or each division may require; and

~~(3) If the renewal is for~~ All forms of applications for renewal of licenses shall also show whether or not the applicant, if it is a partnership, limited liability company, or corporation, still has connected with it whether a duly qualified person holding a license issued by the division is still connected with such entity.

~~(k) The board shall notify each local governing authority of the provisions of this chapter relating to licensure, especially the provisions of subsection (d) of this Code section. The board shall notify such governing authorities that after September 30, 1983, any person desiring a license to engage in a profession covered by this chapter shall be required to pass an examination as provided in this chapter.~~

(l) Applicants who have a failing examination score on two consecutive testing attempts within the approved testing time frame ~~Any applicant for licensure standing the examination on and after July 1, 1989, who fails the examination for licensure twice after such date~~ shall be required to present satisfactory evidence to the appropriate division that the applicant has completed a board approved review course before such applicant will be ~~admitted to a third examination~~ approved to take the examination again. If such applicant fails the examination a third time, the applicant shall not be required to complete additional board approved review courses prior to taking subsequent examinations.

~~43-14-8.1~~ 43-14-9.

(a) For purposes of this Code section only, 'division' means the 'Division of ~~Low-voltage~~ Low Voltage Contractors.'

(b) No person shall engage in alarm system, general system, or telecommunication system ~~low-voltage~~ low voltage contracting unless such person has a valid license therefor from the Division of ~~Low-voltage~~ Low Voltage Contracting.

(c)(1) ~~Prior to January 1, 1985, any~~ Any person desiring to qualify under the provisions of this subsection who meets the requirements of this subsection, submits proper application ~~prior to and including December 31, 1984,~~ and pays or has paid the required fees and is not otherwise in violation of this chapter shall be issued a state-wide ~~Low-voltage~~ Low Voltage Contractor Class LV-A, LV-G, LV-U, or LV-T license without examination.

(2) An individual desiring to obtain ~~Low-voltage~~ Low Voltage Contractor Class LV-T shall submit to the division an affidavit which outlines the experience of said individual in the practice of ~~low-voltage~~ low voltage wiring relating to telecommunication systems.

(3) An individual desiring to obtain a ~~Low-voltage~~ Low Voltage Contractor Class LV-A license shall submit to the division an affidavit which outlines the experience of said individual in the practice of ~~low-voltage~~ low voltage wiring relating to alarm systems.

(4) An individual desiring to obtain a ~~Low-voltage~~ Low Voltage Contractor Class LV-G license shall submit to the division an affidavit which outlines the experience of said individual in the practice of ~~low-voltage~~ low voltage wiring relating to general systems. ~~Each such affidavit for licensure shall describe in detail the installation of at least three complete low-voltage wiring jobs which shall demonstrate that the individual has successfully performed low-voltage wiring in the area of licensure requested for a period of at least one year immediately prior to the time of application.~~

(5) An individual desiring to obtain a ~~Low-voltage~~ Low Voltage Contractor Class LV-U license shall submit to the division an affidavit which outlines the experience of said individual in the practice of ~~low-voltage~~ low voltage wiring relating to alarm and telecommunication systems and which describes in detail the installation of at least six complete ~~low-voltage~~ low voltage wiring jobs, three in alarm and three in

telecommunication systems, which shall demonstrate that the individual has successfully performed ~~low-voltage~~ low voltage wiring in those areas for a period of at least one year immediately prior to the time of application.

(6) Each affidavit for licensure required in paragraphs (1) through (4) of this subsection shall describe in detail the installation of at least three complete low voltage wiring jobs which shall demonstrate that the individual has successfully performed low voltage wiring in the area of licensure requested for a period of at least one year prior to the time of application.

(d) The decision of the division as to the necessity of taking the examination or as to the qualifications of applicants taking the required examination shall, in the absence of fraud, be conclusive. All individuals, individuals serving as partners in partnerships, applicants for limited liability companies, or applicants for corporations desiring to engage in the vocation of ~~low-voltage~~ low voltage contracting ~~after December 31, 1984,~~ shall take the examination and qualify under this Code section before engaging in such vocation.

(e) No partnership, limited liability company, or corporation shall have the right to engage in the business of ~~low-voltage~~ low voltage contracting unless there is regularly connected with such partnership, limited liability company, or corporation a person or persons, ~~actually~~ actively engaged in the performance of such business on a full-time basis and supervising the ~~low-voltage~~ low voltage systems installation, repair, alteration, and service work of all employees of such partnership, limited liability company, or corporation, who have valid licenses issued to them as provided in this chapter.

(f) Partnerships, limited liability companies, or corporations having ~~In cases where a partnership, limited liability company, or corporation has~~ more than one office location from which ~~low-voltage~~ low voltage contracting is performed; shall have at least one person stationed in each branch office of such partnership, limited liability company, or corporation; who is engaged in the performance of ~~low-voltage~~ low voltage contracting on a full-time basis ~~and; who is~~ supervising the ~~low-voltage~~ low voltage wiring systems

installation, repair, alteration, and service work of all employees of such branch office locations, ~~shall have;~~ and who has a valid license issued as provided in this Code section.

~~(f) It shall be the duty of all partnerships, limited liability companies, and corporations qualified under this Code section to notify the division, in accordance with board rules, of severance of connection with such partnership, limited liability company, or corporation of any person or persons upon whom the qualification of any such partnership, limited liability company, or corporation rested.~~

~~(g) All applicants for examinations and licenses provided for by this Code section and all applicants for renewal of licenses under this Code section shall be required to fill out a form which shall be provided by the division, which form shall show whether or not the applicant is an individual, partnership, limited liability company, or corporation and, if a partnership, limited liability company, or corporation, the names and addresses of the partners or members or the names and addresses of the officers, when and where formed or incorporated, and such other information as the division in its discretion may require. All forms of application for renewal of licenses shall also show whether or not the applicant, if it is a partnership, limited liability company, or corporation, still has connected with it a duly qualified person holding a license issued by the division.~~

~~(h) The division shall notify each local governing authority of the provisions of this chapter relating to licensure, especially the provisions of subsection (b) of this Code section. The division shall notify such governing authorities that after December 31, 1984, any person desiring a license to engage in the vocation of low-voltage contracting shall be required to pass an examination as provided in this chapter.~~

~~43-14-8.2~~ 43-14-10.

(a) For purposes of this Code section only, 'division' means the 'Division of Utility Contractors.'

(b)(1) ~~After June 30, 1994, no~~ No sole proprietorship, partnership, or corporation shall have the right to engage in the business of utility contracting unless:

(A) ~~Such~~ such business holds a utility contractor license; and

(B) ~~There~~ there is regularly connected with such business a person or persons who holds a valid utility manager certificate issued under this chapter, ~~and such~~. ~~Such~~ utility manager must be ~~actually~~ actively engaged in the performance of such business on a full-time basis and must oversee the utility contracting work of all employees of the business.

(2) ~~If in cases where~~ a sole proprietorship, partnership, or corporation has more than one permanent office, then each permanent office shall be registered with the division and at least one person who holds a valid utility manager certificate issued under this chapter shall be stationed in each office on a full-time basis and shall oversee the utility contracting work of all employees of that office.

~~(2)~~(3) The requirements of this Code section shall not prevent any person holding a valid license issued by the State Construction Industry Licensing Board, or any division thereof, pursuant to this chapter, from performing any work defined in the Code section or sections under which the license held by said person was issued.

(c) Any corporation, partnership, or sole proprietorship desiring to qualify and be issued a utility contractor license under the provisions of this subsection shall:

(1) Submit a completed application to the division on the form provided indicating:

(A) The names and addresses of proprietor, partners, or officers of such applicant;

(B) The place and date such partnership was formed or such corporation was incorporated; and

(C) The name of the qualifying utility manager holding a current certificate who is employed for each permanent office location of the business from which utility contracting is performed;

- 694 (2) Submit its safety policy which must meet the minimum standards established by the
695 board;
- 696 (3) Pay or have paid the required fees; and
- 697 (4) Not be otherwise in violation of this chapter.
- 698 (d) The decision of the division as to the qualifications of applicants shall, in the absence
699 of fraud, be conclusive.
- 700 (e) It shall be the duty of the utility manager certificate holders and the licensed utility
701 contractor to notify the division, in accordance with board rules, of the severance of
702 connection between such utility contractor and the utility manager certificate holder or
703 holders upon whom the qualification of the utility contractor rested.
- 704 (f) In the event that a licensed utility contractor temporarily does not have employed a
705 utility manager certificate holder to oversee its utility contracting work, upon notice by
706 such utility contractor to the division within ~~five~~ seven days following the last day of
707 employment of the utility manager certificate holder, the division shall grant the utility
708 contractor a 90 day grace period in which to employ a utility manager certificate holder to
709 oversee its utility contracting work before any action may be taken by the division to
710 revoke the utility contractor's license. The division may, at its discretion, upon application
711 by the utility contractor showing good cause, grant one additional 90 day grace period.
712 Grace periods totaling not more than 180 days may be granted during any two-year period.
713 Failure to have employed a utility manager certificate holder to oversee the utility
714 contracting work of the utility contractor shall be grounds for the revocation or suspension
715 of the utility contractor license after a notice of hearing.
- 716 (g) All applicants for renewal of utility contractor licenses provided for by this Code
717 section shall be required to submit with the required fee a completed application on a form
718 provided by the division.

(h) It shall be unlawful for any person to contract with any other person for the performance of utility contracting work who is known by such person not to have a current, valid license as a utility contractor pursuant to this chapter.

~~43-14-8.3~~ 43-14-11.

(a) ~~After June 30, 1994, no~~ No person may be employed as a utility manager unless that person holds a current utility manager certificate issued by the Division of Utility Contractors.

(b) The division shall certify all applicants for certification under this chapter who satisfy the requirements of this chapter and the rules and regulations promulgated under this chapter. Persons wishing to qualify for utility manager certification shall submit a completed application form documenting required experience and other qualifications as prescribed by the board with the required fees, and shall pass an examination, and. ~~In order to obtain a utility manager certificate, an applicant must submit proof of completion of a board approved safety training course of safety training in utility contracting approved by the division.~~ In order to continue to hold such certificate, the certificate holder must present proof to the division of completion of a safety training course approved by the division at least every two years from the date of the completion of the initial safety training course.

(c) An applicant may request an oral administration of the examination.

~~43-14-8.4~~ 43-14-12.

(a) ~~After June 30, 1994, no~~ No person may be employed as a utility foreman unless that person holds a current utility foreman certificate issued by the Division of Utility Contractors.

(b) The division shall certify all applicants for certification under this chapter who satisfy the requirements of this chapter and the rules and regulations promulgated under this

chapter. One requirement for such certification shall be the successful completion of a board approved safety training course ~~of safety training~~ in utility contracting approved by the division. In order to continue to hold such certificate, the certificate holder must submit proof to the division of completion of a safety training course approved by the division at least every two years from the date of the completion of the initial safety training course. In lieu of safety training any person desiring to be issued a utility foreman certificate may submit a completed application on or before December 31, 1994, which documents to the satisfaction of the division at least two years of experience as a utility foreman during the period between January 1, 1984, and June 30, 1994. Any person who does not submit a completed application for certification on or before December 31, 1994, must complete the required safety training in order to be certified.

(c) ~~After June 30, 1994, no~~ No utility system shall be constructed, erected, altered, or repaired unless a certified utility manager or certified utility foreman who holds a current certification is present at the job site of such construction, erection, alteration, or repair of the utility system.

~~43-14-9~~ 43-14-13.

(a) Every person holding a license issued by a division of the board shall display it in a conspicuous manner at his or her place of business.

(b) All commercial vehicles used by licensees and certificate holders exclusively in the daily operation of their business shall have prominently displayed thereon the company or business registration number issued by the Secretary of State's office. Such registration number shall also be prominently displayed on any advertising ~~in telephone yellow pages and newspapers~~ relating to work which a licensee or certificate holder purports to have the capacity to perform. Said registration or certificate number shall also be printed on all invoices and proposal forms.

769 ~~43-14-10~~ 43-14-14.

770 This chapter shall be administered in accordance with Chapter 13 of Title 50, the 'Georgia
771 Administrative Procedure Act.'

772 ~~43-14-11~~ 43-14-15.

773 Whenever it shall appear to a division of the board or to the executive director or to a
774 county or municipal inspection authority that any person is or has been violating this
775 chapter or any of the lawful rules, regulations, or orders of the board, the division of the
776 board, the local inspection authority, or the appropriate prosecuting attorney may file a
777 petition for an injunction in the proper superior court of this state against such person for
778 the purpose of enjoining any such violation. It shall not be necessary to allege or prove that
779 there is no adequate remedy at law. The right of injunction provided for in this Code
780 section shall be in addition to any other legal remedy which the board has and shall be in
781 addition to any right of criminal prosecution provided for by law.

782 ~~43-14-12~~ 43-14-16.

783 (a) Any municipal or county inspection authority which meets the standards established
784 by the board shall be authorized, after notice and hearing, to suspend the license or
785 certificate of competency of, or refuse to restore a license or certificate of competency to,
786 any person or licensee upon the grounds set out in paragraph (4) of subsection (a) of Code
787 Section 43-14-6; provided, however, that such suspension of a license by a local inspection
788 authority shall be applicable only within the jurisdiction of such local authority. Any
789 person aggrieved by an action of a local authority shall be entitled to an appeal to the
790 appropriate division of the board and shall be entitled to a hearing.

791 (b)(1) This chapter shall not be construed to prohibit the governing authority of any
792 county or municipality in the state from adopting and enforcing codes at the local level;
793 provided, however, that no county or municipality may require any licensed conditioned

794 air contractor or licensed plumber who has executed and deposited a bond as authorized
795 in paragraph (2) of this subsection to give or furnish or execute any code compliance
796 bond or similar bond for the purpose of ensuring that all construction, installation, or
797 modifications are made or completed in compliance with the county or municipal
798 ordinances or building and construction codes.

799 (2) In order to protect the public from damages arising from any work by a licensed
800 conditioned air contractor or licensed plumber, which work fails to comply with the
801 ordinances or building and construction codes adopted by any county or municipal
802 corporation, any such licensed conditioned air contractor or licensed plumber may
803 execute and deposit with the judge of the probate court in the county of his or her
804 principal place of business a bond in the sum of \$10,000.00. Such bond shall be a cash
805 bond of \$10,000.00 or executed by a surety authorized and qualified to write surety bonds
806 in the State of Georgia and shall be approved by the judge of the probate court. Such
807 bond shall be conditioned upon all work done or supervised by such licensee complying
808 with the provisions of any ordinances or building and construction codes of any county
809 or municipal corporation wherein the work is performed. Action on such bond may be
810 brought against the principal and surety thereon in the name of and for the benefit of any
811 person who suffers damages as a consequence of said licensee's work not conforming to
812 the requirements of any ordinances or building and construction codes; provided,
813 however, that the aggregate liability of the surety to all persons so damaged shall in no
814 event exceed the sum of such bond.

815 (3) In any case where a bond is required under this subsection, the conditioned air
816 contractor or plumber shall file a copy of the bond with the building official in the
817 political subdivision wherein the work is being performed.

818 (4) The provisions of this subsection shall not apply to or affect any bonding
819 requirements involving contracts for public works as provided in Chapter 10 of Title 13.

(c) No provision of this chapter shall be construed as prohibiting or preventing a municipality or county from fixing, charging, assessing, or collecting any license fee, registration fee, tax, or gross receipt tax on any related business or on anyone engaged in any related business governed by this chapter.

~~43-14-12.1~~ 43-14-17.

(a) If a person is in violation of paragraph (1) or (2) of subsection (c) of Code Section 43-14-8, 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, plumbing contracting, or electrical contracting by an unlicensed person.

(b) It shall be prima-facie evidence of a violation of this chapter if any person not licensed as a conditioned air contractor, plumbing contractor, or electrical contractor advertises that such person is in the business or profession of a conditioned air contractor, plumbing contractor, or electrical contractor or advertises in a manner such that the general public would believe that such person is a licensed conditioned air contractor or in the business or profession of a conditioned air contractor, is a licensed plumbing contractor in the business or profession of a plumbing contractor, or is a licensed electrical contractor in the business or profession of an electrical contractor. Advertising under this subsection includes, but is not limited to, newspaper, internet, social media and digital apps, television, radio, telephone directory listings, mailings, business cards, or ~~sign~~ at signage at a place of business or attached to a vehicle.

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

846 (d) The violation of any cease and desist order of the board issued under subsection (c) of
847 this Code section shall subject the person violating the order to further proceedings before
848 the board, and the board shall be authorized to impose a fine not to exceed ~~\$500.00~~
849 \$1,500.00 for each violation thereof. Each day that a person practices in violation of this
850 Code section and chapter shall constitute a separate violation.

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

854 ~~43-14-12.2~~ 43-14-18.

855 (a) If a person is in violation of Code Section ~~43-14-8.2, 43-14-8.3, or 43-14-8.4~~ 43-14-10,
856 43-14-11, or 43-14-12, it shall not be necessary for an investigator to observe or witness
857 the unlicensed person engaged illegally in the process of work or to show work in progress
858 or work completed in order to prove the unlawful practice of utility contracting by an
859 unlicensed person.

860 (b) It shall be prima-facie evidence of a violation of this chapter if any person not licensed
861 as a utility contractor advertises that such person is in the business or profession of a utility
862 contractor or advertises in a manner such that the general public would believe that such
863 person is a licensed utility contractor or in the business or profession of a utility contractor.
864 Advertising under this subsection includes, but is not limited to, newspaper, television, or
865 radio advertisements, telephone directory listings, mailings, business cards, or a sign or
866 signs at a place of business or attached to a vehicle.

867 (c) Notwithstanding the provisions of Code Section 43-1-20.1, after notice and hearing,
868 the board may issue a cease and desist order prohibiting any person from violating the
869 provisions of this chapter by engaging in the business or profession of a utility contractor
870 without a license as required under this chapter or by constructing, erecting, altering, or

repairing a utility system without a properly certified utility manager or properly certified utility foreman present at such job site.

(d) The violation of any cease and desist order of the board issued under subsection (c) of this Code section shall subject the person violating the order to further proceedings before the board, and the board shall be authorized to impose a fine not to exceed \$5,000.00 for each violation thereof. Each day that a person practices in violation of this Code section and chapter or constructs, erects, alters, or repairs a utility system without a properly certified utility manager or properly certified utility foreman present at such job site shall constitute a separate violation.

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

~~43-14-13~~ 43-14-19.

(a) This chapter shall apply to all installations, alterations, and repairs of plumbing, air-conditioning and heating, or electrical or ~~low-voltage~~ low voltage wiring or utility systems within or on public or private buildings, structures, or premises except as otherwise provided in this Code section.

(b) Any person ~~who~~ that holds a license issued under this chapter may engage in the business of plumbing contracting, electrical contracting, conditioned air contracting, ~~low-voltage~~ low voltage contracting, or utility contracting but only as prescribed by the license, throughout the state; and except as provided in Code Section ~~43-14-12~~ 43-14-16, no municipality or county may require such person to comply with any additional licensing requirements imposed by such municipality or county.

(c) This chapter shall not apply to:

(1) The ~~the~~ installation, alteration, or repair of plumbing, air-conditioning and heating, utility systems, or electrical services, except ~~low-voltage~~ low voltage wiring services, up

to and including the meters where such work is performed by and is an integral part of the system owned or operated by a public service corporation, an electrical, water, or gas department of any municipality in this state, a railroad company, a pipeline company, or a mining company in the exercise of its normal function as such;

(2) Low voltage wiring performed by public utilities, except that the portion of the business of public utilities which involves the installation, alteration, repair, or service of telecommunication systems for profit shall be covered under this chapter;

(3) The installation, construction, or maintenance of power systems or telecommunication systems for the generation or distribution of electric current constructed under the National Electrical Safety Code, which regulates the safety requirements of utilities; but the interior wiring regulated by the National Electrical Safety Code shall not be exempt and must be done by an electrical contractor, except as otherwise provided by law;

(4) Any technician employed by a municipal or county franchised community antenna television (CATV) system or a municipally owned CATV system in the performance of work on the system;

(5) Regular full-time employees of an institution, manufacturer, or business who perform plumbing, electrical, low voltage wiring, utility contracting, or conditioned air contracting when working on the premises of their employer;

(6) A contractor certified by the Department of Public Health to make the connection to any on-site waste-water management system from the stub out exiting the structure to an on-site waste-water management system;

(7) Any employee or authorized agent of a regulated gas utility or municipally owned gas utility while in the course and scope of such employment; or

(8) Persons licensed as manufactured or mobile home installers by the state fire marshal when;

(A) Coupling the electrical connection from the service entrance panel outside the manufactured housing to the distribution panel board inside the manufactured housing;

(B) Connecting the exterior sewer outlets to the aboveground sewer system; or

(C) Connecting the exterior water line to the aboveground water system.

(d) This chapter shall not prohibit:

(1) An ~~an~~ individual from installing, altering, or repairing plumbing fixtures, air-conditioning and heating, air-conditioning and heating fixtures, utility systems, or electrical or ~~low-voltage~~ low voltage wiring services in a residential dwelling owned or occupied by such individual; provided, however, that all such work must be done in conformity with all other provisions of this chapter, the rules and regulations of the board, and any applicable county or municipal resolutions, ordinances, codes, or inspection requirements;

~~(e)(2) An~~ (2) An ~~This chapter shall not prohibit~~ an individual employed on the maintenance staff of a facility owned by the state or by a county, municipality, or other political subdivision from installing, altering, or repairing plumbing, plumbing fixtures, air-conditioning and heating fixtures, utility systems, or electrical or ~~low-voltage~~ low voltage wiring services when such work is an integral part of the maintenance requirements of the facility; provided, however, that all such work must be done in conformity with all other provisions of this chapter and the orders, rules, and regulations of the board;

~~(f)(3) Any~~ (3) Any ~~This chapter shall not prohibit~~ any person from installing, altering, or repairing plumbing, plumbing fixtures, air-conditioning and heating fixtures, utility systems, or electrical or ~~low-voltage~~ low voltage wiring services in a farm or ranch service building or as an integral part of any irrigation system on a farm or ranch when such system is not located within 30 feet of any dwelling or any building devoted to animal husbandry. Nothing in this subsection shall be construed to limit the application of any resolution, ordinance, code, or inspection requirements of a county or municipality relating to such connections;

(4) Any person from installing, altering, or repairing the plumbing component of a lawn sprinkler system from a backflow preventer which was installed by a licensed plumber; provided, however, that all such work must be done in conformity with all other provisions of this chapter, the rules and regulations of the board, and ordinances of the county or municipality; or

(5) Any propane dealer that is properly insured as required by law and that holds a liquefied petroleum gas license issued by the Safety Fire Commissioner from installing, repairing, or servicing a propane system or the gas piping or components of such system; provided, however, that such propane dealers shall be prohibited from performing the installation of conditioned air systems or forced air heating systems unless licensed to do so under this chapter.

~~(g) This chapter shall not apply to low-voltage wiring performed by public utilities, except that such portion of the business of those public utilities which involves the installation, alteration, repair, or service of telecommunication systems for profit shall be covered under this chapter.~~

~~(h) This chapter shall not apply to the installation, construction, or maintenance of power systems or telecommunication systems for the generation or distribution of electric current constructed under the National Electrical Safety Code, which regulates the safety requirements of utilities; but the interior wiring regulated by the National Electrical Safety Code would not be exempt and must be done by an electrical contractor except as otherwise provided by law.~~

~~(i) This chapter shall not apply to any technician employed by a municipal or county-franchised community antenna television (CATV) system or a municipally owned community antenna television system in the performance of work on the system.~~

~~(j) This chapter shall not apply to regular full-time employees of an institution, manufacturer, or business who perform plumbing, electrical, low-voltage wiring, utility contracting, or conditioned air contracting when working on the premises of that employer.~~

~~(k) This chapter shall not apply to persons licensed as manufactured or mobile home installers by the state fire marshal when:~~

~~(1) Coupling the electrical connection from the service entrance panel outside the manufactured housing to the distribution panel board inside the manufactured housing;~~

~~(2) Connecting the exterior sewer outlets to the above-ground sewer system; or~~

~~(3) Connecting the exterior water line to the above-ground water system.~~

~~(h)~~(e) Any person qualified by the Department of Transportation to perform work for the department shall not be required to be licensed under:

(1) Code Section ~~43-14-8.2~~ 43-14-10 or certified under Code Sections ~~43-14-8.3~~ 43-14-11 and ~~43-14-8.4~~ 43-14-12 in order to perform work for the department. ~~Any person qualified by the Department of Transportation to perform work for the department shall not be required to be licensed under; or~~

(2) Code Section ~~43-14-8.2~~ 43-14-10 or certified under Code Sections ~~43-14-8.3~~ 43-14-11 and ~~43-14-8.4~~ 43-14-12 in order to perform work for a county, municipality, authority, or other political subdivision when such work is of the same nature as that for which the person is qualified when performing department work; provided, however, that such work is not performed on a utility system as defined in paragraph ~~(17)~~ (23) of Code Section 43-14-2 for which the person receives compensation.

~~(m) This chapter shall not prohibit any person from installing, altering, or repairing the plumbing component of a lawn sprinkler system from a backflow preventer which was installed by a licensed plumber; provided, however, that all such work must be done in conformity with all other provisions of this chapter, the rules and regulations of the board, and ordinances of the county or municipality.~~

~~(n)~~(f) Any person who contracts with a licensed conditioned air contractor:

(1) As as part of a conditioned air contract to install, alter, or repair duct systems, control systems, or insulation is not required to hold a license from the Division of Conditioned

1003 Air Contractors. The conditioned air contractor must retain responsibility for completion
1004 of the contract, including any subcontracted work;:
1005 ~~(2) To Any person who contracts with a licensed conditioned air contractor to perform~~
1006 a complete installation, alteration, or repair of a conditioned air system must hold a valid
1007 license from the Division of Conditioned Air Contractors; or
1008 ~~(3) To Any person who contracts to perform for or on behalf of a conditioned air~~
1009 ~~contractor to install, alter, or repair electrical, low-voltage~~ the installation, alteration, or
1010 repair of the electrical, low voltage, or plumbing components of a conditioned air system
1011 must hold a valid license from the appropriate division of the board.
1012 ~~(o) This chapter shall not prohibit any propane dealer who is properly insured as required~~
1013 ~~by law and who holds a liquefied petroleum gas license issued by the Safety Fire~~
1014 ~~Commissioner from installing, repairing, or servicing a propane system or the gas piping~~
1015 ~~or components of such system; provided, however, that such propane dealers shall be~~
1016 ~~prohibited from performing the installation of conditioned air systems or forced air heating~~
1017 ~~systems unless licensed to do so under this chapter.~~
1018 ~~(p) This chapter shall not apply to any employee or authorized agent of a regulated gas~~
1019 ~~utility or municipal owned gas utility while in the course and scope of such employment.~~
1020 ~~(q)~~(g) Any utility contractor holding a valid utility contractor's license under this chapter
1021 shall be authorized to bid for and perform work on any utility system in this state without
1022 obtaining a license under Chapter 41 of this title. It shall be unlawful for the owner of a
1023 utility system or anyone soliciting work to be performed on a utility system to refuse to
1024 allow a utility contractor holding a valid utility contractor's license under this chapter to bid
1025 for or perform work on a utility system on the basis that such contractor does not hold a
1026 license under Chapter 41 of this title.

1027 ~~43-14-14~~ 43-14-20.

1028 Any person violating this chapter shall be guilty of a misdemeanor and, upon conviction
1029 thereof, shall be fined not more than ~~\$1,000.00~~ \$3,000.00 or imprisoned for not more than
1030 six months, or both.

1031 ~~43-14-15~~ 43-14-21.

1032 (a) As used in this Code section, the term:

1033 (1) 'Discharge' means an honorable discharge or a general discharge from active military
1034 service. Such term shall not mean a discharge under other than honorable conditions, a
1035 bad conduct discharge, or a dishonorable discharge.

1036 (2) 'Military' means the armed forces of the United States or a reserve component of the
1037 armed forces of the United States, including the National Guard.

1038 (b) A committee composed of the division director, members of the Governor's Office of
1039 Workforce Development, and members of the relevant divisions of the licensing board
1040 representing the profession for which the applicant is seeking a license shall determine the
1041 military specialties or certifications the training or experience for which substantially meets
1042 or exceeds the requirements to obtain a license for Electrical Contractor Class I,
1043 Journeyman Plumber, Conditioned Air Contractor Class I, or Utility Foreman. The
1044 Governor shall designate a chairperson from among the members of the committee.

1045 (c) Any current or former member of the military may apply to the licensing board for the
1046 ~~immediate~~ expedited issuance of a license or certification based upon his or her having
1047 obtained a military specialty or certification, the training or experience for which
1048 substantially meets or exceeds the requirements to obtain a license or certification
1049 identified in subsection (b) of this Code section.

1050 (d) In order to qualify under this subsection, an applicant shall make application not later
1051 than two years after his or her discharge. The licensing board, in its discretion, may by rule
1052 or regulation extend such two-year period for a license or certification, or class thereof, or

may extend such two-year period for an individual applicant if certain circumstances, including, but not limited to, health, hospitalization, or other related emergencies or exigencies, prevented the member of the military from making an application.

(e) Such application shall be in such form and shall require such documentation as the division director shall determine. If the applicant satisfies the requirements of this Code section, the division director shall direct the appropriate division to issue the appropriate license, and the division shall immediately issue such license; provided, however, that the applicant shall satisfy all financial and insurance requirements for the issuance of such license. This Code section shall only apply to the initial issuance of a license. After the initial issuance of a license, the licensee shall be subject to any provisions relating to the renewal of the license applicable to all licensees.

43-14-22.

The board may establish a process through rules and regulations for licenses issued under this chapter to be placed on inactive status and the qualifications necessary for such licenses to be returned to active status; provided, however, that engaging in any conduct that requires a license under this chapter while holding an inactive license shall be considered an unlicensed practice and shall be prohibited."

PART II

SECTION 2-1.

Title 8 of the Official Code of Georgia Annotated, relating to buildings and housing, is amended in:

(1) Code Section 8-2-26, relating to enforcement of codes generally, employment and training of inspectors, and contracts for administration and enforcement of codes, in

1076 subparagraph (d)(2)(D), by replacing "paragraph (2) of subsection (b) of Code Section
1077 43-14-12" with "paragraph (2) of subsection (b) of Code Section 43-14-16".
1078 (2) Code Section 8-2-102, relating to inspections, in subsection (e), by replacing
1079 "43-14-8.1" with "43-18-9".

1080 SECTION 2-2.

1081 Title 10 of the Official Code of Georgia Annotated, relating to commerce and trade, is
1082 amended in:

- 1083 (1) Code Section 10-5B-3, relating to rules to prohibit deceptive, fraudulent, or abusive
1084 telemarketing activities authorized, in subsection (a), by replacing "low-voltage" with "low
1085 voltage".
- 1086 (2) Code Section 10-5B-4, relating to required and prohibited telephone conduct and
1087 activities and liability, in subsection (a), by replacing "low-voltage" with "low voltage".
- 1088 (3) Code Section 10-5B-5, relating to applicability to persons subject to other provisions
1089 of the Code, in subsection (c), by replacing "low-voltage" with "low voltage".
- 1090 (4) Code Section 10-5B-7, relating to remedies, duties, prohibitions, and penalties not
1091 exclusive and construction with other provisions of the Code, in subsection (b), by
1092 replacing "low-voltage" with "low voltage".

1093 SECTION 2-3.

1094 Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended
1095 in Code Section 36-60-12.1, relating to fence detection systems, definition, and utilization,
1096 by revising paragraph (b)(1) as follows:

- 1097 "(1) Treat fence detection systems in all zoning and permitting matters exclusively as
1098 alarm systems as such term is defined in ~~paragraph (1)~~ of Code Section 43-14-2; and"

SECTION 2-4.

1099

1100 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
1101 is amended in Code Section 43-41-17, relating to effective date of licensing and sanctioning
1102 provisions, unenforceable contracts, compliance with county or municipal requirements,
1103 exemption for DOT contractors, and other exceptions, in subsection (e), by replacing
1104 "low-voltage" with "low voltage".

SECTION 2-5.

1105

1106 Title 46 of the Official Code of Georgia Annotated, relating to public utilities and public
1107 transportation, is amended in:

1108 (1) Code Section 46-3-30, relating to short title, by replacing "High-voltage" with "High
1109 Voltage".

1110 (2) Code Section 46-3-31, relating to purpose of part, by replacing "high-voltage" with
1111 "high voltage".

1112 (3) Code Section 46-3-32, relating to definitions, in paragraph (1), by replacing
1113 "High-voltage" with "High voltage" and in paragraphs (5) and (6), by replacing
1114 "high-voltage" with "high voltage".

1115 (4) Code Section 46-3-33, relating to required conditions for commencing work within ten
1116 feet of high-voltage line, in the introductory language and in paragraph (2), by replacing
1117 "high-voltage" with "high voltage".

1118 (5) Code Section 46-3-34, relating to utilities protection center, funding of activities,
1119 notice of work, delay, and responsibility for completing safety requirements, by replacing
1120 "high-voltage" with "high voltage" each time the term appears.

1121 (6) Code Section 46-3-35, relating to allocation of expense of precautionary measures
1122 taken pursuant to public highway construction, by replacing "high-voltage" with "high
1123 voltage".

1124 (7) Code Section 46-3-37, relating to applicability of part to railway systems and electrical
1125 engineering system or other entities, in subsection (b), by replacing "high-voltage" with
1126 "high voltage" both times the term appears.

1127 (8) Code Section 46-3-39, relating to restriction on liability of owners and operators of
1128 high-voltage lines and effect of part on duty or degree of care, by replacing "high-voltage"
1129 with "high voltage" each time the term appears.

1130 (9) Code Section 46-3-40, relating to criminal penalty, strict liability for injury or damage,
1131 idemnification, and liability for cost of delay, by replacing "high-voltage" with "high
1132 voltage" each time the term appears.

1133 **PART III**
1134 **SECTION 3-1.**

1135 This Act shall become effective upon its approval by the Governor or upon its becoming law
1136 without such approval.

1137 **SECTION 3-2.**

1138 All laws and parts of laws in conflict with this Act are repealed.