



Ellen Whitaker <ellen.whitaker@gmail.com>

SB 339

Robert Sumner <rsumner@sumnerfirm.com>**Thu, Feb 4, 2010 at 3:40 PM**

To: Ellen Whitaker <ewhitaker@plumbingpros.com>

Ellen,

Thank you for calling me about SB 339. As we discussed by phone, it is my opinion that the proposed legislation, SB 339, does not affect the practice of plumbing. The first sentence of the proposed new language states what is already law -- that a licensed utility contractor can contract for utility work. If they needed a general contractors license, then there would no longer be any need for a utility contractor licensing law. The second sentence makes it unlawful to refuse to allow a utility contractor to bid on utility work.

It is also my opinion that SB 339 contributes to the poor state of Georgia's construction licensing law by adding unnecessary wordage to an already confusing body of language.

Even without talking to the utility contractors association, I believe I understand the reason this is being proposed by them. A utility owner or municipality probably did not allow a bid by a utility contractor because they were confused about the law. If one read only the general contractors licensing statute and ignored the utility contractors licensing law, they might erroneously conclude that a general contractors license was required for the project. (They would also have to ignore the cross reference already inserted in Chapter 41, the general contractors licensing statute.)

In such a case, the proper thing for the utility contractor to do is to have their lawyer write a letter explaining the law to the person who questioned the contractor's legal right to bid on and perform the utility work. Instead, the utility contractors seek to have a statement "codified" to make it easier for them to make this point. The proposed new statutory language does go so far as to make the refusal to accept the bid unlawful, creating a new liability for the official handling the bidding process. The first sentence repeats what is already law; the second sentence creates what is probably a misdemeanor crime of refusing to allow a bid.

Again, I conclude that this bill does not detract from the lawful scope of plumbing business nor expand the scope of utility contracting business.

Let me know if you need anything else on this.

Rob

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