

TITLE 25  
FIRE PROTECTION AND SAFETY

Chap.

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2. Regulation of Fire and Other Hazards to Persons and Property Generally, 25-2-1 through 25-2-40.
3. Local Fire Departments Generally, 25-3-1 through 25-3-27.
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12. Regulation of Fire Extinguishers and Suppression Systems, 25-12-1 through 25-12-22.
13. Municipal, County, and Volunteer Fire Departments Nomenclature, 25-13-1 through 25-13-10.
14. Georgia Fire Safety Standard and Firefighter Protection, 25-14-1 through 25-14-11.

Annotations

Cross references. - Criminal penalties for transmitting false report of fire, transmitting a false public alarm and making restitution, or refusing to Farmers' mutual fire insurance companies, Ch. 16, T. 33.  
Property insurance generally, Ch. 32, T. 33.  
Management of emergencies generally, Ch. 3, T. 38.  
Liability of officers and agents for acts performed while fighting fires or for acts performed at scenes of emergencies, § 51-1-30.

RESEARCH REFERENCES

Actions on Fire Insurance Policies, 10 Am. Jur. Trials 301.  
Preparation and Trial of Arson Case, 19 Am. Jur. Trials 685.  
Use of Discovery in Product Related Burn Injury Cases, 22 Am. Jur. Trials 199.  
Television Fire Litigation, 26 Am. Jur. Trials 463.  
Preparing the Portable Kerosene Heater Case for Trial, 43 Am. Jur. Trials 315.  
Handling Fire Claims Out of Court, 57 Am. Jur. Trials 155.

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CHAPTER 1  
GENERAL PROVISIONS

Sec.

25-1-1. Making available dynamite caps or like devices to minors; criminal and civil penalties.

Annotations

RESEARCH REFERENCES

Innkeeper's Failure to Protect Against Fire, 14 POF2d 657.  
Failure to Prevent Outbreak and Spread of Fire, 23 POF2d 461.  
Point of Origin of Fire - Improperly Installed or Maintained Heating Appliance, 27 POF2d 1.  
Improper or Defective Wiring as Cause of Fire, 47 POF2d 451.  
Electric Signs - Determining the Cause of Property Damages or Personal Injury, 23 POF3d 159.

25-1-1. Making available dynamite caps or like devices to minors; criminal and civil penalties.

Statute text

- (a) Any person, firm, or corporation who sells, gives, or otherwise makes available any dynamite cap or other similar device to a minor shall be guilty.
- (b) In addition to the punishment provided in subsection (a) of this Code section, the license or permit to engage in the business of dealing in or t

History

(Ga. L. 1958, p. 306, §§ 1, 2.)

Annotations

RESEARCH REFERENCES

Am. Jur. 2d. - 31A Am. Jur. 2d, Explosions and Explosives, §§ 67 et seq., 113 et seq.  
C.J.S. - 35 C.J.S., Explosives, §§ 20 et seq., 71 et seq. 53 C.J.S., Licenses, § 50 et seq.

□

CHAPTER 2  
REGULATION OF FIRE AND OTHER HAZARDS TO PERSONS AND PROPERTY GENERALLY

Sec.

- 25-2-1. "Commissioner" defined.
- 25-2-2. Safety Fire Commissioner - Office created.
- 25-2-3. Safety Fire Commissioner - Duties and responsibilities generally; delegation of powers.
- 25-2-4. Safety Fire Commissioner - Adoption of rules and regulations.
- 25-2-4.1. Safety Fire Commissioner - Fees and charges.
- 25-2-5. State fire marshal - Appointment; qualifications; salary.
- 25-2-6. State fire marshal; head of Safety Fire Division.
- 25-2-7. Appointment process of deputy state fire marshal and other personnel.
- 25-2-8. Payment of transportation, etc., expenses of employees in state fire marshal's office.
- 25-2-9. Authority of fire marshal and employees to investigate cause and origin of fires; power to arrest.
- 25-2-10. Appeal from rulings of state fire marshal to Commissioner; appeal from Commissioner to superior court; bond.
- 25-2-11. Local inspections - Duty of cities and counties generally; assistance of cities and counties by state fire marshal [Repealed].
- 25-2-12. Adoption of state fire safety standards and enforcement; investigations; excuse from compliance with standards; interpretation of standards
- 25-2-12.1. Deputizing of local fire marshals, deputy local fire marshals, and state inspectors as state officers; qualification of applicants; duty to
- 25-2-13. (For effective date, see note.) Buildings presenting special hazards to persons or property; requirements as to construction, maintenance, a
- 25-2-14. Buildings presenting special hazards to persons or property - Requirement, issuance, etc., of building permits and certificates of occupancy
- 25-2-14.1. Buildings presenting special hazards to persons or property - Compliance of existing and proposed buildings and structures with minimum fi
- 25-2-15. Buildings presenting special hazards to persons or property - Issuance, etc., of temporary occupancy permits; time limits for compliance wit
- 25-2-16. Regulation of the storage, transportation, and handling of hazardous materials; use of hold-open latches at self-service gasoline stations;
- 25-2-17. Regulation of explosives.
- 25-2-18. Exemption of public buildings from fees or licenses; waiver for churches and charities.
- 25-2-19. Regulation of fire hazards in hotels, apartment houses, department stores, warehouses, and public places.
- 25-2-20. Licensing of traveling carnivals, circuses, and other exhibits.
- 25-2-21. Investigation on complaint of dangerous building apurtenances; effect of failure to remove or repair after notice [Repealed].
- 25-2-22. Right of Commissioner and other authorized officials to enter and inspect buildings and premises.
- 25-2-22.1. Inspection warrants.
- 25-2-23. Issuance of notice to correct unsafe conditions.
- 25-2-24. Filing of petition for court order compelling compliance with notice.
- 25-2-25. Remedy of unsafe conditions by city or county upon failure to comply with court order; liability for expenses generally; issuance of fi. fa.
- 25-2-26. Final authority for ordering enforcement of Code Sections 25-2-22 through 25-2-25.
- 25-2-27. Procedure for investigation of suspected arson - Taking of testimony; arrest of suspect; furnishing of information to district attorney.
- 25-2-28. Procedure for investigation of suspected arson - Issuance of subpoenas to compel attendance of witnesses or production of documents; adminis

25-2-29. Hearing procedure.  
25-2-30. Duty of state fire marshal as to promotion of fire prevention and life safety generally.  
25-2-31. Dissemination of fire prevention information by state fire marshal generally; fire prevention programs in schools; cooperation with state fire marshal.  
25-2-32. Maintenance of records of fire losses; reports of losses by insurance companies; reports of fires.  
25-2-32.1. Reports to Safety Fire Division of serious burn injuries.  
25-2-32.2. Investigation of burn injuries reported pursuant to Code Section 25-2-32.1  
25-2-33. Release of fire loss information by insurers on request by state or local official; immunity for furnishing of information; confidentiality  
25-2-33.1. Reports of arson and suspected arson to state fire marshal and insurers; notification of payment of claim as to which report filed.  
25-2-34. Cooperation with Commissioner, deputies and inspectors by Department of Public Safety and Georgia State Patrol.  
25-2-35. Payment of sheriffs and other peace officers for assistance in determining causes of fires, etc.  
25-2-36. Remedies for violations of provisions of chapter and rules, regulations, or orders of Commissioner - Injunctive relief.  
25-2-37. Locking exit doors; construction of building without approval of plans; civil penalties for violation of chapter or rules.  
25-2-38. Remedies for violations of provisions of chapter and rules, regulations, or orders of Commissioner - Criminal penalty.  
25-2-38.1. Sovereign immunity; effect of this chapter on legal duties of property owners and lessees.  
25-2-39. Construction of chapter.  
25-2-40. Smoke detectors required in new dwellings and dwelling units; exceptions.

#### Annotations

Administrative Rules and Regulations. - Organization, practice and procedures of the Safety Fire Department, Official Compilation of Rules and Regulations

#### OPINIONS OF THE ATTORNEY GENERAL

O.C.G.A. Title 25, Chapter 2 not impliedly amended. - Although Ga. L. 1973, p. 890 (see O.C.G.A. Title 42, Chapter 4, Article 2) deals, in part, with

#### RESEARCH REFERENCES

Negligent Fire Inspection by City or State Employee, 22 POF2d 55.

25-2-1. "Commissioner" defined.

#### Statute text

As used in this chapter, the term "Commissioner" means the Safety Fire Commissioner.

25-2-2. Safety Fire Commissioner - Office created.

#### Statute text

The office of Safety Fire Commissioner is created. The Commissioner of Insurance shall be the Safety Fire Commissioner.

#### History

(Ga. L. 1949, p. 1057, § 1; Ga. L. 1950, p. 320, § 1; Ga. L. 1986, p. 855, § 9.)

#### Annotations

#### JUDICIAL DECISIONS

Cited in Douglas v. Smith, 578 F.2d 1169 (5th Cir. 1978).

#### RESEARCH REFERENCES

Am. Jur. 2d. - 63C Am. Jur. 2d, Public Officers and Employees, §§ 42 et seq., 287, 387. 72 Am. Jur. 2d, States, Territories, and Dependencies § 61.

C.J.S. - 67 C.J.S., Officers and Public Employees, §§ 18, 282 et seq. 81A C.J.S., States, § 82.

25-2-3. Safety Fire Commissioner - Duties and responsibilities generally; delegation of powers.

#### Statute text

Except as provided in Code Section 25-2-12, the Commissioner is charged with the duties and chief responsibility for the enforcement of this chapter.

#### History

(Ga. L. 1949, p. 1057, § 2; Ga. L. 1981, p. 1779, § 1.)

#### Annotations

Cross references. - Manufactured homes generally, § 8-2-130 et seq.

#### JUDICIAL DECISIONS

Authorized actions. - In the absence of the state fire marshal, the Safety Fire Commissioner was authorized to act on an application for a license to

Cited in Douglas v. Smith, 578 F.2d 1169 (5th Cir. 1978).

#### RESEARCH REFERENCES

Am. Jur. 2d. - 63C Am. Jur. 2d, Public Officers and Employees, §§ 3, 230, 241.

C.J.S. - 67 C.J.S., Officers and Public Employees, §§ 224, 225.

25-2-4. Safety Fire Commissioner - Adoption of rules and regulations.

#### Statute text

The Commissioner shall adopt such rules and regulations as he deems necessary to promote the enforcement of this chapter. Such rules and regulations shall

#### History

(Ga. L. 1949, p. 1057, § 3; Ga. L. 1992, p. 2186, § 1.)

#### Annotations

Cross references. - Complying with filing and hearing requirements by Safety Fire Commissioner and Commissioner of Insurance, § 50-13-21.

Administrative Rules and Regulations. - Rules of Practice and Procedure, Official Compilation of Rules and Regulations of State of Georgia, CompTrolle

#### JUDICIAL DECISIONS

Failure to comply with safety standards. - The rules and regulations of the Safety Fire Commissioner, having the force and effect of law, were applica

Cited in Douglas v. Smith, 578 F.2d 1169 (5th Cir. 1978); Sadler v. Winn-Dixie Stores, Inc., 152 Ga. App. 763, 264 S.E.2d 291 (1979).

#### RESEARCH REFERENCES

Am. Jur. 2d. - 63C Am. Jur. 2d, Public Officers and Employees, § 1 et seq. 72 Am. Jur. 2d, States, Territories, and Dependencies, § 61.

C.J.S. - 67 C.J.S., Officers and Public Employees, § 1 et seq. 81A C.J.S., States, §§ 80, 124.

25-2-4.1. Safety Fire Commissioner - Fees and charges.

Statute text

(a) The Commissioner is authorized to assess and collect, and persons so assessed shall pay in advance to the Commissioner, fees and charges unde

(1) New anhydrous ammonia permit for storage in bulk (more than 2,000 gallons aggregate capacity) for sale or distribution one-time fee ..\$

(2) Annual license for manufacture of explosives other than fireworks ..100.00

(3) Annual license for manufacture, storage, or transport of fireworks ..1,000.00

(4) Carnival license ..100.00

(5) Certificate of occupancy ..100.00

(6) Construction plan review:

(A) Bulk storage construction ..100.00

(B) Building construction, 10,000 square feet or less ..100.00

(C) Building construction, more than 10,000 square

feet ...015

per square foot

(D) Other construction ..100.00

(7) Fire sprinkler contractor certificate of competency ..100.00

(8) Liquefied petroleum gas storage license:

(A) 2,000 gallons or less ..100.00

(B) More than 2,000 gallons ..500.00

(9) Building construction inspection:

(A) 80 percent completion, 100 percent completion, annual, and first follow-up ..none

(B) Second follow-up ..100.00

(C) Third and each subsequent follow-up ..150.00

(10) Purchase, storage, sale, transport, or use of explosives other than fireworks:

(A) 500 pounds or less ..50.00

(B) More than 500 pounds ..100.00

(11) New self-service gasoline station permit one-time fee ..100.00

(12) New permit to dispense compressed natural gas (CNG) for vehicular fuel one-time fee ..100.00

(b) The licenses and permits for which fees or charges are required pursuant to this Code section shall not be transferable. A new license or permit

History

(Code 1981, § 25-2-4.1, enacted by Ga. L. 1992, p. 2725, § 4; Ga. L. 1993, p. 448, § 1.)

Annotations

Code Commission notes. - Pursuant to Code Section 28-9-5, in 1992, a hyphen was inserted between "one" and "time" in paragraph (11).

25-2-5. State fire marshal - Appointment; qualifications; salary.

Statute text

The Commissioner shall appoint a state fire marshal. Qualifications for appointment as state fire marshal shall be previous training and experience in

History

(Ga. L. 1949, p. 1057, § 4.)

Annotations

JUDICIAL DECISIONS

Cited in Douglas v. Smith, 578 F.2d 1169 (5th Cir. 1978).

#### RESEARCH REFERENCES

Am. Jur. 2d. - 63C Am. Jur. 2d, Public Officers and Employees, §§ 11, 48 et seq., 87 et seq., 275. 72 Am. Jur. 2d, States, Territories and Dependencie

C.J.S. - 67 C.J.S., Officers and Public Employees, §§ 22, 46, 53, 282 et seq. 81A C.J.S., States, § 84.

25-2-6. State fire marshal; head of Safety Fire Division.

#### Statute text

The Safety Fire Division of the office of Commissioner of Insurance shall be headed by the state fire marshal appointed by the Commissioner.

#### History

(Ga. L. 1972, p. 1015, § 2; Ga. L. 1986, p. 855, § 10.)

25-2-7. Appointment process of deputy state fire marshal and other personnel.

#### Statute text

The state fire marshal, subject to the approval of the Commissioner, shall appoint a deputy state fire marshal and administrative fire safety speciali

#### History

(Ga. L. 1949, p. 1057, § 5; Ga. L. 1981, p. 1779, § 2.)

#### Annotations

#### RESEARCH REFERENCES

Am. Jur. 2d. - 63C Am. Jur. 2d, Public Officers and Employees, §§ 11, 48 et seq., 87 et seq.

C.J.S. - 67 C.J.S., Officers and Public Officers, §§ 22, 46, 53.

25-2-8. Payment of transportation, etc., expenses of employees in state fire marshal's office.

#### Statute text

All state employees connected with the state fire marshal's office shall be allowed subsistence, lodging, and other expenses in connection with the ex

#### History

(Ga. L. 1949, p. 1057, § 27.)

#### Annotations

Cross references. - Mileage, actual travel expenses for state officials and employees, and reimbursement, § 50-19-7.

#### RESEARCH REFERENCES

Am. Jur. 2d. - 63C Am. Jur. 2d, Public Officers and Employees, §§ 278, 288.

C.J.S. - 67 C.J.S., Officers and Public Employees, § 270 et seq.

25-2-9. Authority of fire marshal and employees to investigate cause and origin of fires; power to arrest.

#### Statute text

(a) Upon the request of the sheriff of the county, the chief of police of the jurisdiction, the district attorney of the judicial circuit, or a local  
(b) Personnel employed and authorized by the state fire marshal shall have the power to make arrests for criminal violations established as a result

#### History

(Ga. L. 1963, p. 509, § 1; Ga. L. 1972, p. 966, § 1; Ga. L. 2003, p. 331, § 1.)

#### Annotations

The 2003 amendment, effective May 29, 2003, rewrote this Code section.

Cross references. - Obstructing or hindering law enforcement officers, § 16-10-24.

#### RESEARCH REFERENCES

Am. Jur. 2d. - 5 Am. Jur. 2d, Arrest, §§ 2 et seq., 25 et seq., 38, 47. 79 Am. Jur. 2d, Weapons and Firearms, §§ 9, 21.

C.J.S. - 6A C.J.S., Arrest, §§ 5-11, 16, 17. 94 C.J.S., Weapons, §§ 3 et seq., 22 et seq.

25-2-10. Appeal from rulings of state fire marshal to Commissioner; appeal from Commissioner to superior court; bond.

#### Statute text

Should any person, firm, corporation, or public entity be dissatisfied with any ruling or decision of the state fire marshal, the right is granted to

#### History

(Ga. L. 1949, p. 1057, § 29; Ga. L. 1959, p. 50, § 2; Ga. L. 1972, p. 894, § 1.)

#### Annotations

#### JUDICIAL DECISIONS

Court cannot substitute judgment for Commissioner. - Even if the procedures of the Safety Fire Commissioner in acting on an application for a license

#### RESEARCH REFERENCES

Am. Jur. 2d. - 2 Am. Jur. 2d, Administrative Law, §§ 369, 374 et seq., 424. 63C Am. Jur. 2d, Public Officers and Employees, § 3.

C.J.S. - 73A C.J.S., Public Administrative Law and Procedure, § 166 et seq. 67 C.J.S., Officers and Public Employees, §§ 224, 225.

25-2-11. Local inspections - Duty of cities and counties generally; assistance of cities and counties by state fire marshal.

#### Statute text

Repealed by Ga. L. 1981, p. 1779, § 8, effective April 1, 1982.

25-2-12. Adoption of state fire safety standards and enforcement; investigations; excuse from compliance with standards; interpretation of standards a

#### Statute text

(a) (1) The county governing authority in any county having a population of 100,000 or more, and the municipal governing authority in any municipality

(2) With respect to those buildings and structures listed in Code Section 25-2-13, except for hospitals, nursing homes, jails, ambulatory health care

(A) Conduct fire safety inspections of existing buildings and structures;

(B) Review plans and specifications for proposed buildings and structures, issue building permits when plans are approved, and conduct fire safety ins

(C) Issue permanent and temporary certificates of occupancy.

(3) Nothing in this subsection shall be construed so as to prohibit fire service personnel of any such local governing authority from making inspectio



#### Annotations

Delayed effective date. - Subparagraph (b)(1)(J), as set out above, becomes effective July 1, 2009. For version of subparagraph (b)(1)(J) in effect un

The 2004 amendment, effective October 1, 2004, substituted "Early Care and Learning" for "Human Resources" throughout subparagraph (b)(1)(I).

The 2008 amendment, effective July 1, 2009, substituted "Department of Community Health" for "Department of Human Resources" in subparagraph (b)(1)(J)

Cross references. - Construction standards and requirements for buildings and other structures generally, Ch. 2, T. 8.

Duties of Commissioner with regard to enforcement of laws relating to access to and use of public buildings and facilities by the physically disabled, Required safety and security measures for detention facilities, § 42-4-31.

Code Commission notes. - Owing to the duplication in subparagraph designations, the subparagraph (b)(1)(I) added by Ga. L. 1985, p. 869, § 1 was redes Pursuant to Code Section 28-9-5, in 1988, a comma was added following "reformatories" in subparagraph (b)(1)(E).

Editor's notes. - Ga. L. 1985, p. 1642, § 3, not codified by the General Assembly, provided that nothing in that Act would amend or repeal the defin

Administrative Rules and Regulations. - Criteria for designation, Official Compilation of the Rules and Regulations of the State of Georgia, Designati

#### JUDICIAL DECISIONS

Cited in *Sadler v. Winn-Dixie Stores, Inc.*, 152 Ga. App. 763, 264 S.E.2d 291 (1979); *Tempo Mgt., Inc. v. DeKalb County*, 258 Ga. 713, 373 S.E.2d 622 (1

#### OPINIONS OF THE ATTORNEY GENERAL

Authority of Board of Offender Rehabilitation to set standard for construction of prison dormitories. - The Board of Offender Rehabilitation has autho

The authority of the Commissioner to investigate potential fire hazards upon written complaint under O.C.G.A. § 25-2-22(b) is not limited to the build

Duties of Commissioner as to O.C.G.A. § 25-2-13. - The Commissioner is charged with specific duties with respect to those buildings listed in O.C.G.A.

Commissioner has no duty to inspect certain abandoned buildings. - An abandoned building, which is three stories or less in height, which does not oth

Safety Fire Commissioner has authority to adopt rules and regulations which pertain to safety and protection of public at race tracks so long as there

Jurisdiction over condominiums. - The plain language of the 1981 amendments to O.C.G.A. § 25-2-13 clearly demonstrates the legislative intention to ex The office of the Commissioner has jurisdiction only over the common areas or elements (such as boiler rooms or recreation facilities) of condominium

Permit applicant to obtain approval of fire marshal before permit issued. - Ga. L. 1967, p. 619, § 2 (see O.C.G.A. § 25-2-14) imposes a duty on local

Board of regents should continue to submit to state fire marshal only those plans and specifications for proposed buildings which come under classific

#### RESEARCH REFERENCES

Am. Jur. 2d. - 13 Am. Jur. 2d, Buildings, §§ 23, 24. 58 Am. Jur. 2d, Nuisances, §§ 163 et seq., 173 et seq., 198 et seq.

1C Am. Jur. Pleading and Practice Forms, Amusements and Exhibitions, § 2.

C.J.S. - 39A C.J.S., Health & Environment, § 28. 66 C.J.S., Nuisances, § 38.

ALR. - Constitutionality of statute or ordinance requiring proprietor of place of amusement to furnish fire or police protection at his own expense, 8 Power to require closing of place of amusement or other place of public assembly because of fire hazard or unsanitary conditions, 140 ALR 1048.

Validity, construction, and application of the Uniform Fire Code, 46 ALR5th 479.

Validity, construction, and effect of agreement exempting operator of amusement facility from liability for personal injury or death of patron, 54 ALR

Validity and construction of statute or ordinance requiring installation of automatic sprinklers, 63 ALR5th 517.

25-2-14. Buildings presenting special hazards to persons or property - Requirement, issuance, etc., of building permits and certificates of occupancy;

#### Statute text

(a) (1) Plans and specifications for all proposed buildings which come under classification in paragraph (1) of subsection (b) of Code Section 25-2-1

(2) (A) If the state fire marshal, the proper local fire marshal, state inspector, or designated code official cannot provide plan review within 30 bu

(B) The state fire marshal, the proper local fire marshal, state inspector, or designated code official shall advise the permit applicant at the time

(C) Any plan review or inspection conducted by a private professional provider shall be no less extensive than plan reviews or inspections conducted b

(D) The person, firm, or corporation retaining a private professional provider to conduct a plan review shall be required to pay to the state fire mar

(E) A private professional provider performing plan reviews under this subsection shall review construction plans to determine compliance with the sta

(i) The plans were reviewed by the affiant who is duly authorized to perform plan review pursuant to this subsection and who holds the appropriate lic

(ii) The plans comply with the state's minimum fire safety standards in effect which were adopted pursuant to this chapter and, where applicable, the

(F) All private professional providers providing plan review services pursuant to this subsection shall secure and maintain insurance coverage for pro

(G) The private professional provider shall be empowered to perform any plan review required by the state fire marshal, the proper local fire marshal,

(H) (i) The permit applicant shall submit a copy of the private professional provider's plan review report to the state fire marshal, the proper local

(I) The affidavit of the private professional provider required pursuant to this subsection;

(II) The applicable fees required for permitting;

(III) Other documents deemed necessary due to unusual construction or design, smoke removal systems where applicable with engineering analysis, and ad

(IV) Any documents required by the state fire marshal, the proper local fire marshal, state inspector, or designated code official to determine that t

(ii) No more than 30 business days after receipt of a permit application and the private professional provider's plan review report required pursuant

(iii) If the state fire marshal, the proper local fire marshal, state inspector, or designated code official provides a written notice of plan deficie

(iv) If the permit applicant submits revisions, the state fire marshal, the proper local fire marshal, state inspector, or designated code official sh

(v) If the state fire marshal, the proper local fire marshal, state inspector, or designated code official provides a second written notice of plan de

(I) The state fire marshal may provide for the prequalification of private professional providers who may perform plan reviews pursuant to this subsec

(J) Nothing in this subsection shall be construed to limit any public or private right of action designed to provide protection, rights, or remedies f

(K) If the state fire marshal, the proper local fire marshal, state inspector, or designated code official determines that the building construction o

(i) The state fire marshal, the proper local fire marshal, state inspector, or designated code official shall be available to meet with the private pr

(ii) If the state fire marshal, the proper local fire marshal, state inspector, or designated code official and the private professional provider are

(L) The state fire marshal, the proper local fire marshal, state inspector, local government, designated code official enforcement personnel, or agent

(M) Except as provided in this paragraph, no proper local fire marshal, state inspector, or designated code official shall adopt or enforce any rules,

(N) Nothing in this subsection shall limit the authority of the state fire marshal, the proper local fire marshal, state inspector, or designated code

(O) When performing building code plan reviews related to determining compliance with the Georgia State Minimum Standard Codes most recently adopted b

(b) A complete set of approved plans and specifications shall be maintained on the construction site, and construction shall proceed in compliance wi

(c) Every building or structure which comes under classification in paragraph (1) of subsection (b) of Code Section 25-2-13 and which comes under the

(d) For purposes of this chapter, any existing building or structure listed in paragraph (1) of subsection (b) of Code Section 25-2-13 and which come

(e) In cases where the governing authority of a municipality which is enforcing the fire safety standards pursuant to subsection (a) of Code Section

#### History

(Ga. L. 1949, p. 1057, § 9; Ga. L. 1967, p. 619, § 2; Ga. L. 1981, p. 1779, § 7; Ga. L. 1982, p. 3, § 25; Ga. L. 1982, p. 479, §§ 3, 6; Ga. L. 1992, p

#### Annotations

The 2006 amendment, effective January 1, 2007, designated the previously existing provisions of subsection (a) as paragraph (a)(1); and added paragra

#### OPINIONS OF THE ATTORNEY GENERAL

Term "building permit" is used in reference to permits issued by local governments. 1980 Op. Att'y Gen. No. 80-102.

Permit applicant to obtain approval of fire marshal before permit issued. - Ga. L. 1967, p. 619, § 2 (see O.C.G.A. § 25-2-14) imposes a duty on local approval of plans generally. - The approval of proposed building plans submitted pursuant to the Fire Safety Code is governed by O.C.G.A. § 25-2-14, n. The state fire marshal can approve any set of plans which come under the marshal's jurisdiction and which are under the classifications enumerated in approval of plans on jail. - The state fire marshal may approve a set of plans on a jail, regardless of costs, square footage, or height of the building. Board of regents should continue to submit to state fire marshal only those plans and specifications for proposed buildings which come under the class

#### RESEARCH REFERENCES

Am. Jur. 2d. - 13 Am. Jur. 2d, Buildings, § et seq.

C.J.S. - 53 C.J.S., Licenses, § 45 et seq.

25-2-14.1. Buildings presenting special hazards to persons or property - Compliance of existing and proposed buildings and structures with minimum fire Statute text

- (a) Every building and structure existing as of April 1, 1968, which building or structure is listed in paragraph (1) of subsection (b) of Code Section 25-2-13 shall comply with the adopted minimum fire
- (b) Every proposed building and structure listed in paragraph (1) of subsection (b) of Code Section 25-2-13 shall comply with the adopted minimum fire

#### History

(Ga. L. 1981, p. 1779, § 8; Ga. L. 1989, p. 815, § 3.)

25-2-15. Buildings presenting special hazards to persons or property - Issuance, etc., of temporary occupancy permits; time limits for compliance with Statute text

In existing buildings which come under the classification in paragraph (1) of subsection (b) of Code Section 25-2-13, when substandard conditions are

#### History

(Ga. L. 1949, p. 1057, § 10; Ga. L. 1999, p. 81, § 25.)

#### Annotations

#### RESEARCH REFERENCES

Am. Jur. 2d. - 13 Am. Jur. 2d, Buildings, § 26.

25-2-16. Regulation of the storage, transportation, and handling of hazardous materials; use of hold-open latches at self-service gasoline stations; p Statute text

- (a) Some substances constitute a special hazard to property and to the life and safety of persons because of certain characteristics and properties i
- (b) Every person who stores, transports, or handles any of the hazardous substances listed in subsection (a) of this Code section shall so store, tra
- (c) The Commissioner is directed to investigate the nature and properties of such hazardous substances and the known precautionary and protective tec

(d) (1) As used in this subsection, the term:

- (A) "Automatic-closing device" means a gasoline or diesel fuel pump nozzle which contains a valve which automatically shuts off the flow of gasoline o
- (B) "Hold-open latch" means a device which attaches to a gasoline or diesel fuel pump nozzle, which device mechanically holds the nozzle and valve in
- (C) "Self-service station" means any place of business which sells gasoline or diesel fuel at retail and which allows customers to dispense the fuel.
- (2) No self-service station shall be prohibited from installing and no customer at such station shall be prohibited from using hold-open latches on ga
- (e) Plans and specifications for all proposed bulk storage facilities which come under classification in subsection (a) of this Code section shall be

#### History

(Ga. L. 1949, p. 1057, § 12; Ga. L. 1967, p. 619, § 3; Ga. L. 1968, p. 1084, § 1; Ga. L. 1983, p. 476, § 1; Ga. L. 1992, p. 2186, § 6.)

#### Annotations

Cross references. - Hazardous waste management generally, § 12-8-60 et seq.

#### JUDICIAL DECISIONS

O.C.G.A. § 25-2-16(b). - The provision of O.C.G.A. § 25-2-16(b) is not unreasonably vague. Safety Fire Comm'r v. U.S.A. Gas, Inc., 229 Ga. App. 807, 4

#### OPINIONS OF THE ATTORNEY GENERAL

The scheme of this section (see O.C.G.A. § 25-2-16) is to protect the public and it is contrary to public policy to allow the provisions of that secti Violation of regulation adopted by Safety Fire Commissioner is a misdemeanor and punishable accordingly, or may be corrected in conformity with Ga. L.

#### RESEARCH REFERENCES

Am. Jur. 2d. - 31A Am. Jur. 2d, Explosives, § 125 et seq. 38 Am. Jur. 2d, Gas and Oil, §§ 171, 252. 57A Am. Jur. 2d, Negligence, §§ 312, 321 et seq. 5

C.J.S. - 65 C.J.S., Negligence, § 170 et seq. 66 C.J.S., Nuisances, §§ 33, 42 et seq., 57, 62.

ALR. - Validity of regulations as to manner of handling or distributing gasoline, 58 ALR 860.

Validity of regulations as to keeping or storage of gasoline, 128 ALR 364.

Liability in connection with fire or explosion of explosives while being stored or transported, 35 ALR3d 1177.

Gasoline or other fuel storage tanks as nuisance, 50 ALR3d 209.

25-2-17. Regulation of explosives.

#### Statute text

- (a) As used in this Code section, the term "explosive" or "explosives" means any chemical compound or mechanical mixture which is commonly used or in
- (b) Every person who manufactures, transports, uses, sells, or stores explosives shall so manufacture, transport, use, sell, and store them as to aff
- (c) The Commissioner is directed to investigate and examine the nature and properties of various explosives and known safety and protective technique
- (d) No person shall manufacture, transport, use, sell, or store explosives without having first obtained a license therefor issued by the Commissione
- (e) Every person licensed under this Code section who suffers a larceny or attempted larceny of primer cord, blasting agents, powders, and dynamite s

#### History

(Ga. L. 1949, p. 1057, § 13; Ga. L. 1967, p. 619, § 4; Ga. L. 1992, p. 2186, § 7; Ga. L. 1992, p. 2725, § 6.)

#### Annotations

Cross references. - Regulation of fireworks, Ch. 10, T. 25.

#### JUDICIAL DECISIONS

Editor's notes. - Some of the cases cited below were decided under former Civil Code 1910, §§ 1655, 2745, 2746.

Storing powder not nuisance per se. - The act of a powder company in maintaining and storing powder upon one's land is not a nuisance per se. Simpson

RESEARCH REFERENCES

Am. Jur. 2d. - 31A Am. Jur. 2d, Explosions and Explosives, § 9 et seq. 51 Am. Jur. 2d, Licenses and Permits, §§ 9, 71 et seq., 80 et seq.

10A Am. Jur. Pleading and Practice Forms, Explosions and Explosives, § 2.

C.J.S. - 35 C.J.S., Explosives, §§ 2, 3. 53 C.J.S., Licenses, §§ 2, 5, 7, 39 et seq.

ALR. - Liability for damages by explosives transported along highway, 44 ALR 124.

Validity of regulations as to manner of handling or distributing gasoline, 58 ALR 860.

Validity of regulations as to keeping or storage of gasoline, 128 ALR 364.

Coverage of clause of fire policy insuring against explosion, 28 ALR2d 995.

Liability in connection with fire or explosion of explosives while being stored or transported, 35 ALR3d 1177.

25-2-18. Exemption of public buildings from fees or licenses; waiver for churches and charities.

Statute text

All federal, state, county, or city publicly owned buildings covered by this chapter are exempt from any fee or license which may be specified in this

History

(Ga. L. 1949, p. 1057, § 31.)

25-2-19. Regulation of fire hazards in hotels, apartment houses, department stores, warehouses, and public places.

Statute text

The Commissioner shall promulgate reasonable rules and regulations governing and regulating fire hazards in hotels, apartment houses, department store

History

(Ga. L. 1949, p. 1057, § 17.)

Annotations

Cross references. - Operators of Hotels, Inns, and Roadhouses generally, Ch. 21, T. 43.

OPINIONS OF THE ATTORNEY GENERAL

Safety Fire Commissioner has authority to adopt rules and regulations which pertain to safety and protection of public at race tracks so long as there

RESEARCH REFERENCES

Am. Jur. 2d. - 13 Am. Jur. 2d, Buildings, §§ 23, 24. 35A Am. Jur. 2d, Fires, § 1.

ALR. - Liability of one starting bonfire for burning of child, 36 ALR 297.

Power to require closing of place of amusement or other place of public assembly because of fire hazard or unsanitary conditions, 140 ALR 1048.

25-2-20. Licensing of traveling carnivals, circuses, and other exhibits.

Statute text

All traveling motion picture shows, carnivals, and circuses shall obtain a fire prevention regulatory license from the state fire marshal based upon c

History

(Ga. L. 1949, p. 1057, § 18.)

Annotations

Cross references. - Regulation of activities of carnivals, road shows, tent shows, and other itinerant entertainment, see § 43-1-15.

OPINIONS OF THE ATTORNEY GENERAL

Carnival or circus must obtain fire prevention license, and said license is not required to be procured only where the licensee comprises a number or

RESEARCH REFERENCES

Am. Jur. 2d. - 27A Am. Jur. 2d, Entertainment and Sports Law, §§ 4 et seq., 47 et seq.

C.J.S. - 30A C.J.S., Entertainment and Amusement; Sports, § 18 et seq.

25-2-21. Investigation on complaint of dangerous building appurtenances; effect of failure to remove or repair after notice.

Statute text

Repealed by Ga. L. 1981, p. 1779, § 9, effective April 1, 1982.

25-2-22. Right of Commissioner and other authorized officials to enter and inspect buildings and premises.

Statute text

(a) The Commissioner and the various officials delegated by him to carry out this chapter shall have the authority at all times of the day and night

(b) Upon complaint submitted in writing, the Commissioner and the various officials to whom enforcement authority is delegated under this chapter may

History

(Ga. L. 1949, p. 1057, § 20.)

Annotations

OPINIONS OF THE ATTORNEY GENERAL

Construction of O.C.G.A. § 25-2-22. - In construing the words "a complaint submitted in writing" with Ga. L. 1949, p. 1051, § 20 (see O.C.G.A. § 25-2-

Authority of Commissioner to enter building. - Upon written complaint to the Commissioner, that a building is in violation of O.C.G.A. Title 25, Chapt

Commissioner has no duty to inspect certain abandoned buildings. - An abandoned building, which is three stories or less in height, which does not oth

The authority of the Commissioner to investigate potential fire hazards upon written complaint under O.C.G.A. § 25-2-22(b) is not limited to the build

In order for a written complaint to provide a proper basis for an investigation by the Commissioner, the complaint should allege the existence of some

RESEARCH REFERENCES

C.J.S. - 73A C.J.S., Public Administrative Law and Procedure, § 272 et seq.

ALR. - Power to require closing of place of amusement or other place of public assembly because of fire hazard or unsanitary conditions, 140 ALR 1048.

Liability of owner or occupant of premises to building or construction inspector coming upon premises in discharge of duty, 28 ALR3d 891.  
Municipal liability for negligent fire inspection and subsequent enforcement, 69 ALR4th 739.

25-2-22.1. Inspection warrants.

Statute text

- (a) The Commissioner, his delegate, or any other person authorized under this title to conduct inspections of property, in addition to other procedure
- (b) Inspection warrants may be issued by any judge of the superior, state, municipal, or magistrate court upon proper oath or affirmation showing probability
- (c) A warrant shall be issued only upon affidavit of the Commissioner or his designee or any person authorized to conduct inspections pursuant to this title
- (1) The one seeking the warrant must establish under oath or affirmation that the property to be inspected is to be inspected as a part of a legally authorized
- (2) The issuing judge determines that the issuance of the warrant is authorized by this Code section.
- (d) The warrant shall:
  - (1) State the grounds for its issuance and the name of each person whose affidavit has been taken in support thereof;
  - (2) Be directed to persons authorized by this title to conduct inspections to execute it;
  - (3) Command the persons to whom it is directed to inspect the area, premise, building, or conveyance identified for the purpose specified and, if appropriate,
  - (4) Identify the item or types of property to be seized, if any; and
  - (5) Designate the judicial officer to whom it shall be returned.
- (e) A warrant issued pursuant to this Code section must be executed and returned within ten days of its date of issuance unless, upon a showing of a
- (f) The judicial officer who has issued a warrant shall attach thereto a copy of the return and all papers returnable in connection therewith and file

History

(Code 1981, § 25-2-22.1, enacted by Ga. L. 1989, p. 815, § 1.)

25-2-23. Issuance of notice to correct unsafe conditions.

Statute text

When any of the officers listed in Code Section 25-2-22 finds any building or other structure which, for want of repair or by reason of age or dilapidated

History

(Ga. L. 1949, p. 1057, § 20.)

Annotations

OPINIONS OF THE ATTORNEY GENERAL

Violation of regulations adopted by Safety Fire Commissioner is misdemeanor and punishable accordingly, or may be corrected in conformity with Ga. L.

RESEARCH REFERENCES

Am. Jur. 2d. - 2 Am. Jur. 2d, Administrative Law, § 381. 13 Am. Jur. 2d, Buildings, §§ 34 et seq., 46. 58 Am. Jur. 2d, Nuisances, §§ 226 et seq., 321

C.J.S. - 66 C.J.S., Nuisances, § 71. 73A C.J.S., Public Administrative Law and Procedure, § 272 et seq.

ALR. - Power to require closing of place of amusement or other place of public assembly because of fire hazard or unsanitary conditions, 140 ALR 1048.

25-2-24. Filing of petition for court order compelling compliance with notice.

Statute text

If any owner, agent, or occupant fails to comply with the notice prescribed in Code Section 25-2-23 within the time specified in the notice, the state

History

(Ga. L. 1949, p. 1057, § 20.)

Annotations

OPINIONS OF THE ATTORNEY GENERAL

Purchase of junior fire marshal badges by state. - State may purchase junior fire marshal badges for Comptroller General (now Commissioner of Insurance)

Use of state funds for purchase of fire safety messages. - For examples of messages containing fire safety message but also containing element of gratuity

Violation of regulations adopted by Safety Fire Commissioner is misdemeanor and punishable accordingly, or may be corrected in conformity with Ga. L.

RESEARCH REFERENCES

Am. Jur. 2d. - 2 Am. Jur. 2d, Administrative Law, § 381. 13 Am. Jur. 2d, Buildings, § 39. 42 Am. Jur. 2d, Injunctions, §§ 5, 148.

C.J.S. - 73A C.J.S., Public Administrative Law and Procedure, § 272 et seq.

ALR. - Power to require closing of place of amusement or other place of public assembly because of fire hazard or unsanitary conditions, 140 ALR 1048.

25-2-25. Remedy of unsafe conditions by city or county upon failure to comply with court order; liability for expenses generally; issuance of final order.

Statute text

If any person fails to comply with the order of the court made pursuant to Code Section 25-2-24 within the time fixed, the city or county in which the

History

(Ga. L. 1949, p. 1057, § 20.)

Annotations

OPINIONS OF THE ATTORNEY GENERAL

Violation of regulations adopted by Safety Fire Commissioner is misdemeanor and punishable accordingly, or may be corrected in conformity with Ga. L.

RESEARCH REFERENCES

Am. Jur. 2d. - 2 Am. Jur. 2d, Administrative Law, § 381. 13 Am. Jur. 2d, Buildings, § 46 et seq. 42 Am. Jur. 2d, Injunction, § 5.

C.J.S. - 66 C.J.S., Nuisances, §§ 131 et seq., 158. 73A C.J.S., Public Administrative Law and Procedure, § 272 et seq.

ALR. - Power to require closing of place of amusement or other place of public assembly because of fire hazard or unsanitary conditions, 140 ALR 1048.

25-2-26. Final authority for ordering enforcement of Code Sections 25-2-22 through 25-2-25.

Statute text

Code Sections 25-2-22 through 25-2-25 shall be construed so that the final authority for ordering the carrying out and enforcement of such Code sections

History

(Ga. L. 1949, p. 1057, § 20.)

Annotations

RESEARCH REFERENCES

C.J.S. - 73A C.J.S., Public Administrative Law and Procedure, § 272 et seq.

25-2-27. Procedure for investigation of suspected arson - Taking of testimony; arrest of suspect; furnishing of information to district attorney.

Statute text

The state fire marshal or his deputy, when in his opinion such proceedings are necessary, shall take the testimony on oath of all persons believed to

History

(Ga. L. 1949, p. 1057, § 21.)

Annotations

Cross references. - Arson and explosives generally, § 16-7-60 et seq.

OPINIONS OF THE ATTORNEY GENERAL

Powers not exclusive. - The grant to the state fire marshal and the marshall's deputy of powers relating to investigation of suspected arson, as set f

RESEARCH REFERENCES

Am. Jur. 2d. - 5 Am. Jur. 2d, Arrest, §§ 1 et seq., 10 et seq.38, 47. 5 Am. Jur. 2d, Arson and Related Offenses, § 31 et seq.

C.J.S. - 6A C.J.S., Arrest, §§ 5-11, 16, 17. 6A C.J.S., Arson, §§ 23-52.

ALR. - Expert and opinion evidence as regards fire, 131 ALR 1113.

What constitutes "burning" to justify charge of arson, 28 ALR4th 482.

25-2-28. Procedure for investigation of suspected arson - Issuance of subpoenas to compel attendance of witnesses or production of documents; administ

Statute text

(a) The state fire marshal or the deputy state fire marshal shall have the power to summon and compel the attendance of witnesses before either or bo  
(b) Should any person fail to comply with this Code section, the state fire marshal or his agent is authorized to procure an order from the superior

History

(Ga. L. 1949, p. 1057, § 22.)

Annotations

RESEARCH REFERENCES

Am. Jur. 2d. - 2 Am. Jur. 2d, Administrative Law, §§ 131 et seq., 388. 35A Am. Jur. 2d, Fires, § 5.

C.J.S. - 36A C.J.S., Fires, §§ 17, 18. 73A C.J.S., Public Administrative Law and Procedure, §§ 124, 131 et seq.

ALR. - Expert and opinion evidence as regards fire, 131 ALR 1113.

25-2-29. Hearing procedure.

Statute text

All hearings held by or under the direction of the Commissioner shall be conducted in accordance with Chapter 13 of Title 50, the "Georgia Administrat

History

(Ga. L. 1949, p. 1057, § 23; Ga. L. 1992, p. 2186, § 8.)

Annotations

RESEARCH REFERENCES

Am. Jur. 2d. - 2 Am. Jur. 2d, Administrative Law, § 127 et seq. 35A Am. Jur. 2d, Fires, § 5.

C.J.S. - 36A C.J.S., Fires, §§ 17, 18. 73A C.J.S., Public Administrative Law and Procedure, § 115 et seq.

25-2-30. Duty of state fire marshal as to promotion of fire prevention and life safety generally.

Statute text

It shall be the duty of the state fire marshal to contact individuals, associations, and state agencies, both within and outside this state, which hav

History

(Ga. L. 1949, p. 1057, § 28.)

Annotations

OPINIONS OF THE ATTORNEY GENERAL

Purchase of junior fire marshal badges by state. - State may purchase junior fire marshal badges for Comptroller General (now Commissioner of Insuranc

Use of state funds for purchase of fire safety messages. - See 1962 Op. Att'y Gen. p. 445.

25-2-31. Dissemination of fire prevention information by state fire marshal generally; fire prevention programs in schools; cooperation with state fir

Statute text

(a) The state fire marshal may promote any plan or program which tends to disseminate information on fire prevention and similar projects and may aid  
(b) It shall be the duty of the state fire marshal to carry on a state-wide program of fire prevention education in the schools of this state and to

History

(Ga. L. 1949, p. 1057, § 26.)

Annotations

OPINIONS OF THE ATTORNEY GENERAL

Expenditure involving expenses for conducting Junior Fire Marshal Camp is not an illegal expenditure, it being a constitutional and authorized educati

25-2-32. Maintenance of records of fire losses; reports of losses by insurance companies; reports of fires.

Statute text

(a) It shall be the duty of the state fire marshal to keep an up-to-date record of all fire losses, together with statistical data concerning the sam  
(b) Effective January 1, 1993, all incidents of fires, whether accidental or incendiary, shall be reported to the office of the Safety Fire Commissio

History

(Ga. L. 1949, p. 1057, § 25; Ga. L. 1992, p. 2186, § 9.)

Annotations

Cross references. - Property insurance generally, Ch. 32, T. 33.

RESEARCH REFERENCES

Am. Jur. 2d. - 43 Am. Jur. 2d, Insurance, § 62.

C.J.S. - 43 C.J.S., Insurance, § 56.

25-2-32.1. Reports to Safety Fire Division of serious burn injuries.

Statute text

Every case of a burn injury or wound where the victim sustained second-degree or third-degree burns to 5 percent or more of the body or any burns to t

History

(Code 1981, § 25-2-32.1, enacted by Ga. L. 1992, p. 2186, § 10.)

25-2-32.2. Investigation of burn injuries reported pursuant to Code Section 25-2-32.1

Statute text

Every county or municipal governing authority or any two or more governing authorities or the Safety Fire Division are authorized and empowered to tak

History

(Code 1981, § 25-2-32.2, enacted by Ga. L. 1992, p. 2186, § 10.)

25-2-33. Release of fire loss information by insurers on request by state or local official; immunity for furnishing of information; confidentiality o

Statute text

- (a) The state fire marshal, any deputy designated by the state fire marshal, the director of the Georgia Bureau of Investigation or the chief of a fi
- (1) Any insurance policy relevant to the fire loss under investigation and any application for such a policy;
- (2) Policy premium payment records on the policy, to the extent available;
- (3) Any history of previous claims made by the insured for fire loss with the reporting carrier; and
- (4) Material relating to the investigation of the loss, including statements of any person, proof of loss, and any other relevant evidence.
- (b) If an insurance company has reason to suspect that a fire loss to its insured's real or personal property was caused by incendiary means, the com
- (c) In the absence of fraud or malice, no insurance company or person who furnishes information on its behalf shall be liable for damages in a civil
- (d) The officials and departmental and agency personnel receiving any information furnished pursuant to this Code section shall hold the information
- (e) Any official referred to in subsection (a) of this Code section may be required to testify as to any information in his possession regarding the
- (f) (1) No person shall purposely refuse to release any information requested pursuant to subsection (a) of this Code section.
- (2) No person shall purposely refuse to notify the state fire marshal of a fire loss required to be reported pursuant to subsection (b) of this Code s
- (3) No person shall purposely refuse to supply the state fire marshal with pertinent information required to be furnished pursuant to subsection (b) o
- (4) No person shall purposely fail to hold in confidence information required to be held in confidence by subsection (d) of this Code section.
- (g) Any person willfully violating this Code section shall be guilty of a misdemeanor.

History

(Ga. L. 1977, p. 1232, § 1; Ga. L. 1981, p. 825, § 1; Ga. L. 1982, p. 3, § 25; Ga. L. 2005, p. 599, § 7/SB 146.)

Annotations

The 2005 amendment, effective July 1, 2005, deleted "of investigation" following "director" in subsection (a).

Cross references. - Property insurance generally, Ch. 32, T. 33.

OPINIONS OF THE ATTORNEY GENERAL

Restriction on persons entitled to request information. - In cases where the insurance company does not have reason to suspect incendiary causes, only

Requests from law enforcement agencies. - Any law enforcement agency of competent jurisdiction may request an insurance company to release fire loss i

Scope of directive to cooperative with law enforcement agencies. - O.C.G.A. § 25-2-33(b) directive to insurance companies to cooperate with any law en

RESEARCH REFERENCES

Am. Jur. 2d. - 1 Am. Jur. 2d, Abstracts of Title, § 9 et seq. 18 Am. Jur. 2d, Corporations, §§ 348 et seq., 400 et seq. 66 Am. Jur. 2d, Records and Re

C.J.S. - 46A C.J.S., Insurance, § 1285.

25-2-33.1. Reports of arson and suspected arson to state fire marshal and insurers; notification of payment of claim as to which report filed.

Statute text

- (a) The fire department of each county and municipality and any other organized fire department operating within this state shall report every incide
- (b) Any insurance company which has received a report of an incident or suspected incident of arson under subsection (a) of this Code section shall n

History

(Code 1981, § 25-2-33.1, enacted by Ga. L. 1982, p. 792, § 1.)

25-2-34. Cooperation with Commissioner, deputies and inspectors by Department of Public Safety and Georgia State Patrol.

Statute text

The Department of Public Safety, the Georgia State Patrol, and the Georgia Bureau of Investigation shall cooperate with the Commissioner and his deput

History

(Ga. L. 1949, p. 1057, § 24.)

Annotations

RESEARCH REFERENCES

Am. Jur. 2d. - 2 Am. Jur. 2d, Administrative Law, § 135.

C.J.S. - 73 C.J.S., Public Administrative Law and Procedures, § 76.

25-2-35. Payment of sheriffs and other peace officers for assistance in determining causes of fires, etc.

Statute text

The Commissioner is authorized to pay sheriffs and other peace officers reasonable fees for assistance given in assembling evidence as to the causes o

History

(Ga. L. 1949, p. 1057, § 24.)

Annotations

Cross references. - Arson and explosives, § 16-7-60 et seq.

25-2-36. Remedies for violations of provisions of chapter and rules, regulations, or orders of Commissioner - Injunctive relief.

Statute text

In addition to the civil monetary penalty provided for in Code Section 25-2-37, the Commissioner may bring a civil action to enjoin a violation of any

History

(Ga. L. 1972, p. 894, § 2.)

Annotations

RESEARCH REFERENCES

Am. Jur. 2d. - 36 Am. Jur. 2d, Forfeitures and Penalties, § 52 et seq. 73 Am. Jur. 2d, Statutes, § 194 et seq.

C.J.S. - 70 C.J.S., Penalties, § 1 et seq.

25-2-37. Locking exit doors; construction of building without approval of plans; civil penalties for violation of chapter or rules.

Statute text

- (a) It shall be unlawful for any person to lock an exit door whether or not it is a required exit unless such provisions are allowed by this chapter
- (b) It shall be unlawful for any person to begin construction on any proposed building or structure which comes under the classification in paragraph
- (c) Any person who violates this chapter or any rule, regulation, or order issued by the Commissioner under this chapter shall be subject to a civil
- (d) Any person who violates this chapter or any rule, regulation, or order issued by the Commissioner under this chapter shall be subject to a civil
- (e) Any person violating subsection (a), (b), or (c) of this Code section shall be subject to a fine of not more than \$1,000.00 for a first offense,

History

(Ga. L. 1972, p. 894, § 2; Ga. L. 1992, p. 2186, § 11.)

Annotations

RESEARCH REFERENCES

Am. Jur. 2d. - 36 Am. Jur. 2d, Forfeitures and Penalties, § 52 et seq. 73 Am. Jur. 2d, Statutes, § 194 et seq.

C.J.S. - 70 C.J.S., Penalties, § 1 et seq.

ALR. - Recovery of cumulative statutory penalties, 71 ALR2d 986.

25-2-38. Remedies for violations of provisions of chapter and rules, regulations, or orders of Commissioner - Criminal penalty.

Statute text

Any person, firm, or corporation violating this chapter or failing or refusing to comply with any regulation promulgated under this chapter shall be g

History

(Ga. L. 1949, p. 1057, § 32.)

Annotations

OPINIONS OF THE ATTORNEY GENERAL

Violation of regulations adopted by Safety Fire Commissioner is misdemeanor and punishable accordingly, or may be corrected in conformity with Ga. L.

RESEARCH REFERENCES

Am. Jur. 2d. - 36 Am. Jur. 2d, Forfeitures and Penalties, § 52 et seq. 73 Am. Jur. 2d, Statutes, § 194 et seq.

C.J.S. - 70 C.J.S., Penalties, § 1 et seq.

25-2-38.1. Sovereign immunity; effect of this chapter on legal duties of property owners and lessees.

Statute text

- (a) Nothing in this chapter shall be construed to constitute a waiver of the sovereign immunity of the state, or any officer or employee thereof, in
- (b) Nothing in this chapter shall be construed to relieve any property owner or lessee thereof from any legal duty, obligation, or liability incident

History

(Ga. L. 1981, p. 1779, § 9.)

Annotations

Cross references. - Nonliability of counties in absence of statute, § 36-1-4.

Liability of municipal corporations for acts or omissions of officers, Ch. 33, T. 36.

Immunity of state and political subdivisions for emergency management activities, § 38-3-35.

Immunity of officers, members, etc., of county, municipal, etc., fire departments from liability for acts performed while fighting fires or for acts p

RESEARCH REFERENCES

ALR. - Municipal liability for negligent fire inspection and subsequent enforcement, 69 ALR4th 739.

25-2-39. Construction of chapter.

Statute text

It is declared that this chapter is necessary for the public safety, health, peace, and welfare, is remedial in nature, and shall be construed liberal

History

(Ga. L. 1949, p. 1057, § 30.)

Annotations

JUDICIAL DECISIONS

Cited in Bishop v. Act-O-Lane Gas Serv. Co., 91 Ga. App. 154, 85 S.E.2d 169 (1954).

RESEARCH REFERENCES

Am. Jur. 2d. - 73 Am. Jur. 2d, Statutes, §§ 8, 60 et seq., 179 et seq.

C.J.S. - 82 C.J.S., Statutes, § 306 et seq.

25-2-40. Smoke detectors required in new dwellings and dwelling units; exceptions.

Statute text

- (a) (1) Except as otherwise provided in subsection (f) of this Code section, on and after July 1, 1987, every new dwelling and every new dwelling unit

- (2) On and after July 1, 1994, every dwelling and every dwelling unit within an apartment, house, condominium, and townhouse and every motel, hotel, a
  - (3) On and after July 1, 2001, every patient sleeping room of every nursing home shall be provided with no less than an approved listed battery operat
  - (b) In dwellings, dwelling units, and other facilities listed in subsection (a) of this Code section, a smoke detector shall be mounted on the ceiling
  - (c) In dwellings, dwelling units, and other facilities listed in paragraph (1) of subsection (a) of this Code section with split levels, a smoke dete
  - (d) Detectors shall be listed and meet the installation requirements of NFPA 72. In addition, a one and one-half hour emergency power supply source i
  - (e) Any complete automatic fire alarm system using automatic smoke detectors shall be installed in accordance with NFPA 72.
- (f) (1) The provisions of this Code section may be enforced by local building and fire code officials in the case of residential buildings which are no
- (2) Any occupant who fails to maintain a smoke detector in a dwelling, dwelling unit, or other facility, other than a nursing home, listed in subsecti
  - (3) Any operator of a nursing home who fails to install and maintain the smoke detectors required under paragraph (3) of subsection (a) of this Code s
  - (g) Failure to maintain a smoke detector in good working order in a dwelling, dwelling unit, or other facility listed in subsection (a) of this Code
  - (h) The Safety Fire Commissioner is authorized and encouraged to inform the public through public service announcements of the availability of a limi

History

(Code 1981, § 25-2-40, enacted by Ga. L. 1987, p. 989, § 1; Ga. L. 1992, p. 2186, § 12; Ga. L. 1994, p. 1235, § 1; Ga. L. 2001, p. 860, § 1.)

Annotations

The 2001 amendment, effective July 1, 2001, added paragraph (a)(3); in subsection (f), designated the existing provisions as paragraphs (1) and (2), i

Code Commission notes. - Pursuant to Code Section 28-9-5, in 1995, "Commissioner" was substituted for "commissioner" in subsection (b); and "battery o  
Law reviews. - For annual survey article on real property law, see 52 Mercer L. Rev. 383 (2000). For annual survey of local government law, see 56 Me

JUDICIAL DECISIONS

Failure to maintain smoke detectors. - Evidence of a landlord's failure to maintain battery-operated smoke detectors was not admissible in a civil cas  
Summary judgment was properly entered for a landlord and a property manager (appellees) in a negligence suit filed by an injured party as appellees co

CHAPTER 3

LOCAL FIRE DEPARTMENTS GENERALLY

Article 1

General Provisions.

- 25-3-1. General powers of fire departments.
- 25-3-2. Powers of fire departments in event of emergencies generally.
- 25-3-3. Provision of assistance during emergencies to federal agencies or officers and state, or political subdivisions.
- 25-3-4. Authority of counties, municipalities, or other political subdivisions to enact ordinances, regulations, or codes.
- 25-3-5. Operation of other fire departments within municipalities or counties.
- 25-3-6. Effect of article on powers and duties of other officials and departments.

Article 2

Minimum Requirements.

- 25-3-20. Legislative intent.
- 25-3-21. Definitions.
- 25-3-22. Notification that organization meets requirements; issuance of certificate of compliance.
- 25-3-23. General requirements; equipment and clothing; insurance.
- 25-3-24. Authority of executive director to determine compliance.
- 25-3-25. Suspension or revocation of certificate of compliance; hearing by aggrieved departments; enforcement of suspensions or revocations.
- 25-3-26. Duty of executive director to cooperate with fire department.
- 25-3-27. Construction of article.

Annotations

RESEARCH REFERENCES

ALR. - Municipal liability for negligent fire inspection and subsequent enforcement, 69 ALR4th 739.

ARTICLE 1

GENERAL PROVISIONS

Annotations

Cross references. - Deputizing of local fire marshals, etc., as state officers, § 25-2-12.1.

Editor's notes. - Ga. L. 1984, p. 1000, § 2 designated the existing Code sections of this chapter (§§ 25-3-1 through 25-3-6) as Article 1 of the cha

RESEARCH REFERENCES

Am. Jur. 2d. - 35A Am. Jur. 2d, Fires, § 1 et seq.

25-3-1. General powers of fire departments.

Statute text

Any fire department of a county, municipality, or other political subdivision and any chartered fire department shall have the authority to:

- (1) Protect life and property against fire, explosions, hazardous materials, or electrical hazards;
- (2) Detect and prevent arson;
- (3) Administer and enforce the laws of this state; the rules and regulations adopted by the departments, boards, bureaus, commissions, and agencies of
- (4) Conduct programs of public education in fire prevention and safety;
- (5) Conduct emergency medical services and rescue assistance, subject to Chapter 11 of Title 31 and subject to the approval of the county, municipalit
- (6) Control and regulate the flow of traffic in areas of existing emergencies, including rail, highway, water, and air traffic; and
- (7) Perform all such services of a fire department as may be provided by law or which necessarily appertain thereto.

History

(Ga. L. 1980, p. 1395, § 1.)

25-3-2. Powers of fire departments in event of emergencies generally.

Statute text

In the event of any fire, explosion, bomb threat, or similar emergency, the fire department in any county, municipality, or other political subdivisio

- (1) Enter any property, building, structure, vehicle, watercraft, aircraft, railroad car, or other place for the purpose of fighting the fire, explosi
- (2) Cut any wires, electrical or otherwise, or turn off any utility, as deemed necessary to preserve life or property;
- (3) Prevent the blocking of any public or private street, road or alley, way or driveway, or emergency lane during any such emergency and remove any v
- (4) Confiscate supplies, chemicals, or equipment necessary for such emergency;
- (5) Make any necessary tests; and
- (6) Evacuate any building or area necessary.

History

(Ga. L. 1980, p. 1395, § 2; Ga. L. 1983, p. 3, § 18; Ga. L. 1989, p. 271, § 1.)

Annotations

Cross references. - Liability of members of fire departments for acts performed while fighting fires or for acts performed at scenes of emergencies, §

25-3-3. Provision of assistance during emergencies to federal agencies or officers and state, or political subdivisions.

Statute text

Any fire department may provide assistance to any agency or officer of the United States government, of this state, or of any political subdivision or

History

(Ga. L. 1980, p. 1395, § 4.)

25-3-4. Authority of counties, municipalities, or other political subdivisions to enact ordinances, regulations, or codes.

Statute text

The governing body of each county, municipality, or other political subdivision of the state shall have the power to enact such ordinances, regulation

History

(Ga. L. 1980, p. 1395, § 3; Ga. L. 1984, p. 1000, § 1.)

Annotations

OPINIONS OF THE ATTORNEY GENERAL

Fire ordinances for day care centers. - The authority of local governments to enact fire ordinances for day care centers is preempted by O.C.G.A. § 49

25-3-5. Operation of other fire departments within municipalities or counties.

Statute text

Nothing within this article shall be construed so as to permit a county or other fire department to operate within the limits of a municipality except

History

(Ga. L. 1980, p. 1395, § 5; Ga. L. 1984, p. 1000, § 1.)

25-3-6. Effect of article on powers and duties of other officials and departments.

Statute text

This article shall not affect the duties, powers, or responsibilities of the Safety Fire Commissioner, the state fire marshal, the sheriff's office, t

History

(Ga. L. 1980, p. 1395, § 6; Ga. L. 1984, p. 1000, § 1; Ga. L. 1994, p. 1758, § 1.)

Annotations

OPINIONS OF THE ATTORNEY GENERAL

Fire ordinances for day care centers. - The authority of local governments to enact fire ordinances for day care centers is preempted by O.C.G.A. § 49

ARTICLE 2

MINIMUM REQUIREMENTS

Annotations

Cross references. - Special license plates for firefighters, § 40-2-78

25-3-20. Legislative intent.

Statute text

It is the intention of the General Assembly of Georgia to establish minimum requirements for all fire departments operating in this state. The General

History

(Code 1981, § 25-3-20, enacted by Ga. L. 1984, p. 1000, § 3.)

25-3-21. Definitions.

Statute text

As used in this article, the term:

- (1) "Executive director" means the executive director of the Georgia Firefighter Standards and Training Council.
- (2) (A) "Fire department" means any fire department which is authorized to exercise the general and emergency powers enumerated in Code Sections 25-3-1
- (B) "Fire department" also means any department, agency, organization, or company operating in this state with the intent and purpose of carrying out
- (3) "Firefighter" means any able-bodied person at least 18 years of age who has been duly appointed by a legally constituted fire department and who h

History

(Code 1981, § 25-3-21, enacted by Ga. L. 1984, p. 1000, § 3; Ga. L. 1985, p. 1493, § 1; Ga. L. 1995, p. 341, § 1.)

Annotations

OPINIONS OF THE ATTORNEY GENERAL

Volunteer fire department. - A volunteer fire department is a "fire department" within the meaning of O.C.G.A. § 25-3-21 and must therefore comply wit

25-3-22. Notification that organization meets requirements; issuance of certificate of compliance.

Statute text

In order for a fire department to be legally organized to operate in the State of Georgia, the chief administrative officer of the fire department sha

History

(Code 1981, § 25-3-22, enacted by Ga. L. 1984, p. 1000, § 3; Ga. L. 1995, p. 341, § 2; Ga. L. 1998, p. 560, § 1; Ga. L. 2003, p. 888, § 1.)

Annotations

The 2003 amendment, effective July 1, 2004, in the second sentence, substituted "recommend to the Georgia Firefighter Standards and Training Council t

25-3-23. General requirements; equipment and clothing; insurance.

Statute text

- (a) Except as otherwise provided in subsection (c) of this Code section, in order to be legally organized:
- (1) A fire department shall comply with the following requirements:
    - (A) Be established to provide fire and other emergency and nonemergency services in accordance with standards specified solely by the Georgia Firefigh
    - (B) Be capable of providing fire protection 24 hours a day, 365 days per year;
    - (C) Be responsible for a defined area of operations depicted on a map located at the fire station, which area of operations shall have been approved a
    - (D) Be staffed with a sufficient number of full-time, part-time, or volunteer firefighters who have successfully completed basic firefighter training
  - (2) A fire department shall possess the following items of approved equipment and protective clothing:
    - (A) A minimum of one fully equipped, operable pumper with a capacity of at least 750 GPM at 150 PSI and a tank capacity of a minimum of 250 gallons; p

- (B) A minimum of equipment, appliances, adapters, and accessories necessary to perform and carry out the duties and responsibilities of a fire department
- (C) A minimum of two approved self-contained breathing apparatus for each pumping apparatus as approved by the Georgia Firefighter Standards and Training Council
- (D) A minimum issue of sufficient personal protective clothing to permit each member to perform safely the duties of a firefighter.
- (b) A legally organized fire department shall purchase and maintain sufficient insurance coverage on each member of the fire department to pay claims
- (c) On and after July 1, 1998, the Georgia Firefighter Standards and Training Council shall be authorized, by rules and regulations, to establish and

#### History

(Code 1981, § 25-3-23, enacted by Ga. L. 1984, p. 1000, § 3; Ga. L. 1985, p. 149, § 25; Ga. L. 1990, p. 354, § 1; Ga. L. 1995, p. 341, § 3; Ga. L. 1999

#### Annotations

The 2003 amendment, effective July 1, 2004, rewrote this Code section.

The 2005 amendment, effective April 7, 2005, part of an Act to revise, modernize, and correct the Code, substituted "subsection (c)" for "subsection (d)" of Code Section 25-3-24. Authority of executive director to determine compliance.

#### Statute text

The executive director may consult with and consider the recommendations of the director of the Georgia Forestry Commission, the director of the Georgia

#### History

(Code 1981, § 25-3-24, enacted by Ga. L. 1984, p. 1000, § 3; Ga. L. 1995, p. 341, § 4.)

25-3-25. Suspension or revocation of certificate of compliance; hearing by aggrieved departments; enforcement of suspensions or revocations.

#### Statute text

- (a) The certificate of compliance issued by the council shall be subject to suspension or revocation by the council at any time it receives satisfactory information
- (b) The chief administrative officer of any fire department aggrieved by a decision of the council under subsection (a) of this Code section may, within 30 days of the date of the decision, file a petition with the council for a hearing
- (c) The council shall not suspend or revoke any certificate of compliance for failure to meet firefighter training requirements when such failure was due to circumstances beyond the control of the fire department
- (d) The council may refer suspensions or revocations to the Attorney General for enforcement. Upon referral from the council, the Attorney General may

#### History

(Code 1981, § 25-3-25, enacted by Ga. L. 1984, p. 1000, § 3; Ga. L. 1995, p. 341, § 5; Ga. L. 1998, p. 560, § 3; Ga. L. 2003, p. 888, § 3; Ga. L. 2005

#### Annotations

The 2003 amendment, effective July 1, 2004, rewrote this Code section.

The 2005 amendment, effective April 7, 2005, part of an Act to revise, modernize, and correct the Code, substituted "subsection (c) of Code Section 25-3-25" for "subsection (d) of Code Section 25-3-25". Code Commission notes. - Pursuant to Code Section 28-9-5, in 2003, in subsection (a), the colon was deleted from the end of the introductory paragraph of Code Section 25-3-26. Duty of executive director to cooperate with fire department.

#### Statute text

The executive director shall cooperate with newly formed and existing fire departments to ensure that all fire departments in this state are in compliance with the Georgia Firefighter Standards and Training Act.

#### History

(Code 1981, § 25-3-26, enacted by Ga. L. 1984, p. 1000, § 3; Ga. L. 1985, p. 149, § 25; Ga. L. 1995, p. 341, § 6.)

25-3-27. Construction of article.

#### Statute text

This article shall not be construed to amend, modify, or repeal any of the provisions of Chapter 4 of this title, known as the "Georgia Firefighter Standards and Training Act."

#### History

(Code 1981, § 25-3-27, enacted by Ga. L. 1984, p. 1000, § 3; Ga. L. 1992, p. 6, § 25.)

### CHAPTER 4

#### FIREFIGHTER STANDARDS AND TRAINING

##### Article 1

###### General Provisions.

- 25-4-1. Short title.
- 25-4-2. Definitions.
- 25-4-3. Georgia Firefighter Standards and Training Council - Establishment and organization; advisory committee; expenses and allowances.
- 25-4-4. Georgia Firefighter Standards and Training Council - Eligibility of members for public office.
- 25-4-5. Georgia Firefighter Standards and Training Council - Administrative assignment to Department of Public Safety; source of funds; authority to issue orders.
- 25-4-6. Georgia Firefighter Standards and Training Council - Meetings; quorum; annual report.
- 25-4-7. Georgia Firefighter Standards and Training Council - Functions and powers.
- 25-4-7.1. Appointment and compensation of executive director; assistants.
- 25-4-8. Qualifications of firefighters generally.
- 25-4-9. Basic firefighter training course; transfer of certification.
- 25-4-10. Mandatory annual training.
- 25-4-11. Adoption of higher training requirements by employing agencies.
- 25-4-12. Applicability of chapter.

##### Article 2

###### Airport Firefighters [Repealed].

25-4-30 and 25-4-31. [Repealed].

### ARTICLE 1

#### GENERAL PROVISIONS

##### Annotations

Cross references. - Special license plates for firefighters, § 40-2-78.

Liability of officers and agents for acts performed while fighting fires or performing duties at the scene of emergencies, § 51-1-30.

Editor's notes. - Ga. L. 1980, p. 1242, §§ 1 and 2, as enacted, purported to amend the Georgia Firefighter Standards and Training Act (Ga. L. 1971, § 25-3-27).

##### OPINIONS OF THE ATTORNEY GENERAL

How probated first offenders to be treated under O.C.G.A. Title 25, Chapter 4, Article 1. - An individual in the process of serving a period of probation

Probation of first offender not conviction under O.C.G.A. Title 25, Chapter 4, Article 1. - A person in the process of serving a period of probation upon conviction of a crime

Fulfillment of terms of probation under O.C.G.A. Title 42, Chapter 8, Article 3, relating to first offenders, or release by court prior to termination

#### 25-4-1. Short title.

#### Statute text

This chapter shall be known and may be cited as the "Georgia Firefighter Standards and Training Act."

History  
(Ga. L. 1971, p. 693, § 1.)

Annotations

RESEARCH REFERENCES

Am. Jur. 2d. - 35A Am. Jur. 2d, Fires, § 50 et seq.

25-4-2. Definitions.

Statute text

As used in this chapter, the term:

- (1) "Airport" means any airport located in this state which has regularly scheduled commercial air carrier service or commuter airline service as required by law.
- (2) "Airport firefighter" means any person assigned to any airport located in this state who performs the duties of aircraft fire fighting or rescue.
- (3) "Candidate" means a prospective firefighter who has not yet been certified by the council as having met the requirements of this chapter.
- (4) "Certified firefighter" or "state certified firefighter" means any firefighter who has been certified by the council as having met the requirements of this chapter.
- (5) "Council" means the Georgia Firefighter Standards and Training Council.
- (5.1) "Fire department" shall have the same meaning as provided in Code Section 25-3-21.
- (6) "Firefighter" means a trained individual who is a full-time employee, part-time employee, or volunteer for a municipal, county, state, or private fire department.
- (7) "Full-time" means employed for compensation on a basis of at least 40 hours per week by any municipal, county, state, or private incorporated fire department.
- (8) "Part-time" means employed for compensation on less than a full-time basis by any municipal, county, state, or private incorporated fire department.
- (9) "Volunteer" means not employed for compensation but appointed and regularly enrolled to serve as a firefighter for any municipal, county, state, or private fire department.

History

(Ga. L. 1971, p. 693, § 2; Ga. L. 1987, p. 373, § 1; Ga. L. 2003, p. 888, § 4; Ga. L. 2005, p. 619, § 1/SB 308; Ga. L. 2008, p. 243, § 2/SB 414.)

Annotations

The 2003 amendment, effective July 1, 2004, added paragraph (2), redesignated former paragraphs (2) and (3) as present paragraphs (3) and (4), respectively.

The 2005 amendment, effective July 1, 2005, added present paragraphs (1) and (2) and redesignated former paragraphs (1) through (7) as present paragraphs (1) through (7), respectively.

The 2008 amendment, effective July 1, 2008, added paragraph (5.1).

Editor's notes. - Ga. L. 1980, p. 1242, § 1 purported to amend this section. However, since it has been determined that the 1980 Act, which deals with firefighter standards, is not codified by the General Assembly, provides: "This Act shall be known and may be cited as the '2008 Georgia Firefighter Standards and Training Council Act'."

25-4-3. Georgia Firefighter Standards and Training Council - Establishment and organization; advisory committee; expenses and allowances.

Statute text

- (a) The Georgia Firefighter Standards and Training Council is established. The council shall be composed of eleven members, one of whom shall be the chief of the fire department of the governing authority of a county;
- (1) One member shall be a member of the governing authority of a county;
  - (2) One member shall be a member of the governing authority of a municipality;
  - (3) One member shall be a city or county manager;
  - (4) One member shall be the chief of a county or municipal fire department; and
  - (5) Two members shall be state certified firefighter training officers.
- (b) The members of the council appointed by the Governor pursuant to subsection (a) of this Code section shall be appointed at the sole discretion of the Governor.
- (1) The Association County Commissioners of Georgia may suggest the names of three persons for each appointment pursuant to paragraph (1) of subsection (a) of this Code section.
  - (2) The Georgia Municipal Association may suggest the names of three persons for each appointment pursuant to paragraph (2) of subsection (a) of this Code section.
  - (3) The Georgia City and County Management Association may suggest the names of three persons for each appointment pursuant to paragraph (3) of subsection (a) of this Code section.
  - (4) The Georgia Association of Fire Chiefs may suggest the names of three persons for each appointment pursuant to paragraph (4) of subsection (a) of this Code section.
  - (5) The Executive Board of the Georgia State Firemen's Association may suggest the names of three persons for each appointment pursuant to paragraph (5) of subsection (a) of this Code section.
- (c) (1) The first members of the council appointed by the Governor pursuant to subsection (a) of this Code section shall be appointed to take office on the date of the first regular meeting of the council held in each even-numbered year, the council shall elect a chairperson and such other officers from among its members as it may deem appropriate.
- (2) The members appointed by the Lieutenant Governor and the members appointed by the Speaker of the House of Representatives shall each serve for term of two years.
  - (3) All members shall serve until their successors are appointed and qualified. In the event of a vacancy in the membership of the council for any reason, the council shall elect a member to fill the vacancy.
  - (d) At the first regular meeting of the council held in each even-numbered year, the council shall elect a chairperson and such other officers from among its members as it may deem appropriate.
  - (e) The council may, from time to time, designate an advisory committee of not more than three members to assist and advise the council in carrying out its duties.
  - (f) Each member of the council and each member of an advisory committee of the council, in carrying out their official duties, shall be entitled to reimbursement of the expenses incurred by them in the performance of their duties.

History

(Ga. L. 1971, p. 693, § 3; Ga. L. 1976, p. 1725, § 9; Ga. L. 1985, p. 1493, § 2; Ga. L. 1986, p. 10, § 25; Ga. L. 2000, p. 1706, § 19; Ga. L. 2003, p. 888, § 4.)

Annotations

The 2003 amendment, effective July 1, 2004, in subsection (a), substituted "eleven members" for "seven members" in the second sentence and added the text of subsection (c).

The 2004 amendment, effective July 1, 2004, part of an Act to revise, modernize and correct the Code, substituted "members appointed" for "member appointed" in subsection (a).

Administrative Rules and Regulations. - Organization of Georgia Firefighters Minimum Standards Council and the minimum standards and qualifications of firefighters.

25-4-4. Georgia Firefighter Standards and Training Council - Eligibility of members for public office.

Statute text

Membership on the council does not constitute public office, and no member shall be disqualified from holding public office by reason of his membership on the council.

History

(Ga. L. 1971, p. 693, § 4; Ga. L. 1977, p. 549, § 1.)

Annotations

RESEARCH REFERENCES

Am. Jur. 2d. - 63C Am. Jur. 2d, Public Officers and Employees, §§ 1, 6, 7, 11, 48 et seq., 57, 62.

C.J.S. - 67 C.J.S., Officers and Public Employees, §§ 12, 21, 22, 37 et seq.

25-4-5. Georgia Firefighter Standards and Training Council - Administrative assignment to Department of Public Safety; source of funds; authority to administer the council.

Statute text

The council is assigned to the Department of Public Safety for administrative purposes. The funds necessary to carry out this chapter shall come from the Department of Public Safety.

History

(Ga. L. 1971, p. 693, § 4; Ga. L. 1976, p. 1725, § 9; Ga. L. 1977, p. 549, § 1.)

Annotations

Cross references. - Assignment for administrative purposes, § 50-4-3.

25-4-6. Georgia Firefighter Standards and Training Council - Meetings; quorum; annual report.

Statute text

The business of the council shall be conducted in the following manner:

- (1) The council shall hold at least two regular meetings each year at the call of the chairperson or upon the written request of six members of the council.

(2) The council shall make an annual report of its activities to the Governor and to the General Assembly and shall include in the report its recommen

#### History

(Ga. L. 1971, p. 693, § 5; Ga. L. 1985, p. 1493, § 3; Ga. L. 2005, p. 1036, § 21/SB 49; Ga. L. 2008, p. 243, § 3/SB 414.)

#### Annotations

The 2005 amendment, effective July 1, 2005, added the second sentence in paragraph (2).

The 2008 amendment, effective July 1, 2008, in paragraph (1), in the first sentence, substituted "chairperson" for "chairman" near the middle and subs

Code Commission notes. - Pursuant to Code Section 28-9-5, in 1986, a misspelling of "chairman" was corrected in the first sentence of paragraph (1).

Editor's notes. - Ga. L. 2008, p. 243, § 1, not codified by the General Assembly, provides: "This Act shall be known and may be cited as the '2008 G

#### RESEARCH REFERENCES

Am. Jur. 2d. - 2 Am. Jur. 2d, Administrative Law, § 105.

C.J.S. - 73 C.J.S., Public Administrative Law and Procedures, § 20 et seq.

25-4-7. Georgia Firefighter Standards and Training Council - Functions and powers.

#### Statute text

The council is vested with the following functions and powers:

- (1) To promulgate rules and regulations for the administration of the council;
- (2) To provide rules of procedure for its internal management and control;
- (3) To enter into contracts or do such things as may be necessary and incidental to the administration of its authority pursuant to this chapter;
- (4) To establish uniform minimum standards for the employment and training of full-time, part-time, or volunteer firefighters, airport firefighters, f
- (5) To establish minimum curriculum requirements for schools operated by or for any employing agency for the specific purpose of training firefighter
- (6) To approve institutions and facilities for school operation by or for any employing agency for the specific purpose of training firefighters and f
- (7) To make or support studies on any aspect of fire-fighting education and training or recruitment;
- (8) To make recommendations concerning any matter within its purview;
- (9) To establish basic firefighter training requirements for full-time, part-time, and volunteer firefighters, including airport firefighters;
- (10) To certify any person satisfactorily complying with the training program established in accordance with paragraph (9) of this Code section and th
- (11) To issue a certificate to any person who has received training in another state or who has received training as a federal firefighter by the Unit

#### History

(Ga. L. 1971, p. 693, § 6; Ga. L. 2003, p. 888, § 6; Ga. L. 2005, p. 619, § 2/SB 308; Ga. L. 2008, p. 243, § 4/SB 414.)

#### Annotations

The 2003 amendment, effective July 1, 2004, substituted "full-time, part-time, or volunteer firefighters, fire and life safety educators, fire inspect

The 2005 amendment, effective July 1, 2005, inserted in paragraph (4), "airport firefighters," following "or volunteer firefighters" and inserted", ce

The 2008 amendment, effective July 1, 2008, inserted "and probations for certified individuals and suspensions for noncertified individuals," near the

Editor's notes. - Ga. L. 2008, p. 243, § 1, not codified by the General Assembly, provides: "This Act shall be known and may be cited as the '2008 G

#### OPINIONS OF THE ATTORNEY GENERAL

Georgia Firefighter Standards and Training Council has authority to establish qualifications and requirements, including curriculum, for firefighters

#### RESEARCH REFERENCES

Am. Jur. 2d. - 2 Am. Jur. 2d, Administrative Law, § 52 et seq.

C.J.S. - 73 C.J.S., Public Administrative Law and Procedure, § 25 et seq.

25-4-7.1. Appointment and compensation of executive director; assistants.

#### Statute text

- (a) The council shall appoint and establish the compensation of an executive director who shall serve at the pleasure of the council.
- (b) The executive director may contract for such services and employ such other professional, technical, and clerical personnel as may be necessary a

#### History

(Code 1981, § 25-4-7.1, enacted by Ga. L. 2003, p. 888, § 7.)

#### Annotations

Effective date. - This Code section becomes effective July 1, 2004.

25-4-8. Qualifications of firefighters generally.

#### Statute text

- (a) Except as provided in Code Section 25-4-12, any person employed or certified as a firefighter shall:
  - (1) Be at least 18 years of age;
  - (2) Not have been convicted of a felony in any jurisdiction or of a crime which if committed in this state would constitute a felony under the laws of
- (A) Successfully completed a training program following the Georgia Fire Academy curriculum and sponsored by the Department of Corrections;
- (B) Been recommended to a fire department by the proper authorities at the institution at which the training program was undertaken; and
- (C) Met all other requirements as set forth in this chapter.

The council shall be the final authority with respect to authorizing employment and certification of a person who has been convicted of a felony more

- (3) Have a good moral character as determined by investigation under procedure approved by the council;
  - (4) Be fingerprinted and a search made of local, state, and national fingerprint files to disclose any criminal record;
  - (5) Be in good physical condition as determined by a medical examination and successfully pass the minimum physical agility requirements as establishe
  - (6) Possess or achieve within 12 months after employment a high school diploma or a general education development equivalency.
- (b) For the purposes of paragraph (2) of subsection (a) of this Code section, a person shall be deemed to have been convicted of a crime if such pers

- (c) (1) For the purposes of making determinations relating to eligibility under paragraph (2) of subsection (a) of this Code section, a local fire depa
- (2) The local or state law enforcement agency shall provide to the chief of the fire department which requested information on an applicant any crimin

#### History

(Ga. L. 1971, p. 693, § 7; Ga. L. 1977, p. 1224, § 7; Ga. L. 1980, p. 601, § 1; Ga. L. 1982, p. 989, §§ 1, 2; Ga. L. 1983, p. 3, § 18; Ga. L. 1985, p.

#### Annotations

The 2008 amendment, effective July 1, 2008, deleted former subparagraph (a) (2) (B), which read: "Earned and possesses a first class firefighter diploma

Cross references. - Qualifications of peace officers generally, § 35-8-8.

Editor's notes. - Ga. L. 2008, p. 243, § 1, not codified by the General Assembly, provides: "This Act shall be known and may be cited as the '2008 G

OPINIONS OF THE ATTORNEY GENERAL

O.C.G.A. § 25-4-8(2) to be strictly construed. - As with any statute which imposes a penalty for forfeiture, O.C.G.A. § 25-4-8(2) should be strictly construed. - The word "conviction," strictly construed, means an adjudication of guilt which is final. 1981 Op. Att'y Gen. No. U81-12. Fulfillment of probation terms or release prior to termination of probation not a criminal conviction. - The fulfillment of the terms of probation and An "airport firefighter," in addition to meeting minimum training requirements for airport firefighters contained in O.C.G.A. § 25-4-31, must meet bas

RESEARCH REFERENCES

Am. Jur. 2d. - 63C Am. Jur. 2d, Public Officers and Employees, §§ 11, 48 et seq., 71 et seq.

C.J.S. - 67 C.J.S., Officers and Public Employees, § 21 et seq.

25-4-9. Basic firefighter training course; transfer of certification.

Statute text

- (a) Full-time, part-time, and volunteer firefighters, including airport firefighters, shall successfully complete a basic training course. The council
- (b) A firefighter certified by the council may, upon termination of employment from any fire department and upon agreement with a subsequently employ
- (c) Notwithstanding the provisions of subsection (b) of this Code section, any local fire department may refuse to accept the transfer of previously

History

(Ga. L. 1971, p. 693, § 8; Ga. L. 1985, p. 1493, § 4; Ga. L. 2002, p. 660, § 4; Ga. L. 2002, p. 1259, § 11; Ga. L. 2003, p. 888, § 8; Ga. L. 2005, p.

Annotations

The 2002 amendments. The first 2002 amendment, effective July 1, 2002, substituted "firefighters" for "firemen" in the first sentence of subsection (a) The 2003 amendment, effective July 1, 2004, rewrote subsection (a).

The 2005 amendment, effective July 1, 2005, in subsection (a), inserted ", including airport firefighters," in the first sentence, inserted ", includi

JUDICIAL DECISIONS

Cited in Huff v. Dekalb County, 516 F.3d 1273 (11th Cir. 2008).

Huff v. Dekalb County, 516 F.3d 1273 (11th Cir. 2008).

OPINIONS OF THE ATTORNEY GENERAL

Certification and training of federally paid employees considered firefighters. - Federally paid employees of a fire department subject to this articl

RESEARCH REFERENCES

Am. Jur. 2d. - 63C Am. Jur. 2d, Public Officers and Employees, §§ 11, 48 et seq.

C.J.S. - 67 C.J.S., Officers and Public Employees, §§ 22, 130.

25-4-10. Mandatory annual training.

Statute text

As a condition of continued certification, all firefighters shall train, drill, or study at schools, classes, or courses at the local, area, or state

History

(Ga. L. 1971, p. 693, § 11; Ga. L. 2003, p. 888, § 9.)

Annotations

The 2003 amendment, effective July 1, 2004, in the first sentence, substituted "continued certification" for "tenure or continued employment", deleted

RESEARCH REFERENCES

Am. Jur. 2d. - 63C Am. Jur. 2d, Public Officers and Employees, §§ 11, 48 et seq.

C.J.S. - 67 C.J.S., Officers and Public Utilities, §§ 22, 130.

25-4-11. Adoption of higher training requirements by employing agencies.

Statute text

This chapter shall provide only the minimum qualification standards in training requirements for firefighters in this state and does not restrict any

History

(Ga. L. 1971, p. 693, § 9.)

Annotations

RESEARCH REFERENCES

Am. Jur. 2d. - 63C Am. Jur. 2d, Public Officers and Employees, §§ 11, 48 et seq.

C.J.S. - 67 C.J.S., Officers and Public Employees, § 21 et seq.

25-4-12. Applicability of chapter.

Statute text

Except as otherwise provided in Article 2, nothing in this chapter shall apply to firefighters employed on July 1, 1971, and such firefighters are not

History

(Ga. L. 1971, p. 693, § 10.)

ARTICLE 2

AIRPORT FIREFIGHTERS

25-4-30 and 25-4-31.

Statute text

Repealed by Ga. L. 2005, p. 619, § 4/SB 308, effective July 1, 2005.

Annotations

CHAPTER 5  
RESOLUTION OF WAGES, HOURS, WORKING CONDITIONS OF FIREFIGHTERS

- Sec.  
25-5-1. Short title.  
25-5-2. Definitions.  
25-5-3. Declaration of public policy.  
25-5-4. Right of firefighters to bargain collectively.  
25-5-5. Selection of bargaining agent by firefighters; recognition by corporate authority.  
25-5-6. Obligation of corporate authority and agent to meet and confer in good faith; reduction of agreement to written contract; limitation as to du  
25-5-7. Submission of unresolved issues to mediation.  
25-5-8. Mediation board - Composition and selection; chairman.  
25-5-9. Mediation board - Time, notice, and conduct of hearings; transmittal of findings and opinion; effect of decision.  
25-5-10. Mediation board - Factors to be considered in reaching decision.  
25-5-11. Payment of expenses of mediation.  
25-5-12. Agreements constituting collective bargaining contracts; required provisions; engaging in work stoppages, slowdowns, or strikes by firefight  
25-5-13. Service of notice of request for collective bargaining upon corporate authorities by bargaining agent.  
25-5-14. Applicability of chapter.  
25-5-1. Short title.

Statute text  
This chapter shall be known and may be cited as the "Firefighter's Mediation Act."

History  
(Ga. L. 1971, p. 565, § 1.)

Annotations

RESEARCH REFERENCES

ALR. - First Amendment protection for publicly employed firefighters subjected to discharge, transfer, or discipline because of speech, 106 ALR Fed. 3

25-5-2. Definitions.

Statute text  
As used in this chapter, the term:

- (1) "Corporate authorities" means the proper officials within any municipality whose duty it is to establish the wages, salaries, rates of pay, hours,
- (2) "Firefighter" means the permanent members of any paid fire department of any municipality of this state having a population of 20,000 or more acco

History  
(Ga. L. 1971, p. 565, § 3.)

Annotations

Law reviews. - For article, "Employment Law Responsibilities of Public Employers in Georgia," see 5 Ga. St. B.J. 10 (1999).

25-5-3. Declaration of public policy.

Statute text  
(a) The protection of the public health, safety, and welfare demands that the permanent members of any paid fire department of a municipality should  
(b) It is declared to be the public policy of this state to accord to the permanent members of any paid fire department of those municipalities which  
(c) The establishment of a method of mediation referred to in subsection (b) of this Code section shall not, however, in any way whatever, be deemed

History  
(Ga. L. 1971, p. 565, § 2.)

Annotations

JUDICIAL DECISIONS

Cited in Burnley v. Thompson, 524 F.2d 1233 (5th Cir. 1975).

RESEARCH REFERENCES

Am. Jur. 2d. - 48 Am. Jur. 2d, Labor and Labor Relations, §§ 324 et seq., 392 et seq., 443 et seq., 566 et seq.

C.J.S. - 51 C.J.S., Labor Relations, § 33. 51A C.J.S., Labor Relations, §§ 268, 306.

25-5-4. Right of firefighters to bargain collectively.

Statute text  
Firefighters shall have the right to bargain collectively with their respective corporate authorities and to be represented by a labor organization in

History  
(Ga. L. 1971, p. 565, § 4.)

Annotations

JUDICIAL DECISIONS

Cited in Burnley v. Thompson, 524 F.2d 1233 (5th Cir. 1975).

RESEARCH REFERENCES

C.J.S. - 51 C.J.S., Labor Relations, §§ 148-150.

ALR. - Who are supervisors for purposes of bargaining-unit determination in state public employment labor relations, 96 ALR3d 723.

25-5-5. Selection of bargaining agent by firefighters; recognition by corporate authority.

Statute text  
The organization selected by vote of the majority of the firefighters in any fire department shall be recognized by the proper corporate authority, pr

History  
(Ga. L. 1971, p. 565, § 5.)

Annotations

RESEARCH REFERENCES

C.J.S. - 51 C.J.S., Labor Relations, §§ 211, 212.

ALR. - Effect of alleged misstatements or misrepresentations in campaign literature, material, or leaflets on validity of representation election, 3 A 25-5-6. Obligation of corporate authority and agent to meet and confer in good faith; reduction of agreement to written contract; limitation as to duration  
Statute text  
It shall be the obligation of the proper corporate authority and the bargaining agent to meet and confer in good faith within 30 days after receipt of  
History  
(Ga. L. 1971, p. 565, § 6.)

Annotations

RESEARCH REFERENCES

Am. Jur. 2d. - 48A Am. Jur. 2d, Labor and Labor Relations, §§ 2969 et seq., 2977, 3148 et seq.

C.J.S. - 51 C.J.S., Labor Relations, §§ 217-224.

25-5-7. Submission of unresolved issues to mediation.

Statute text

If the bargaining agent and the corporate authorities are unable, within 30 days from and including the date of their first meeting, to reach an agreement

History

(Ga. L. 1971, p. 565, § 7.)

Annotations

RESEARCH REFERENCES

Am. Jur. 2d. - 48A Am. Jur. 2d, Labor and Labor Relations, §§ 3268, 3615 et seq.

C.J.S. - 51A C.J.S., Labor Relations, §§ 402, 403.

25-5-8. Mediation board - Composition and selection; chairman.

Statute text

Within five days from the expiration of the 30 day period referred to in Code Section 25-5-7, the bargaining agent and the corporate authorities shall

History

(Ga. L. 1971, p. 565, § 8.)

Annotations

RESEARCH REFERENCES

Am. Jur. 2d. - 48A Am. Jur. 2d, Labor and Labor Relations, § 3616.

C.J.S. - 51A C.J.S., Labor Relations, § 460.

25-5-9. Mediation board - Time, notice, and conduct of hearings; transmittal of findings and opinion; effect of decision.

Statute text

(a) The mediation board, acting through its chairman, shall call a hearing to be held within ten days after the date of the appointment of the chairman  
(b) Hearings conducted by the mediators shall be concluded within 20 days of the time of commencement. Within ten days after the conclusion of the hearing

History

(Ga. L. 1971, p. 565, § 9.)

Annotations

RESEARCH REFERENCES

Am. Jur. 2d. - 2 Am. Jur. 2d, Administrative Law, § 105.

C.J.S. - 73 C.J.S., Public Administrative Law and Procedure, § 18.

25-5-10. Mediation board - Factors to be considered in reaching decision.

Statute text

The mediators shall conduct the hearing and render their decision upon the basis of a prompt, peaceful, and just settlement of wage or hour disputes between

- (1) A comparison of wages or hourly conditions of employment of the fire department in question with wage rates or hourly conditions of employment of
- (2) The interest and welfare of the public; and
- (3) A comparison of the peculiarities of fire-fighting employment in regard to other trades or professions, specifically:
  - (A) The hazards of employment;
  - (B) The physical qualifications;
  - (C) The educational qualifications;
  - (D) The mental qualifications; and
  - (E) The job training and skills.

History

(Ga. L. 1971, p. 565, § 10.)

Annotations

RESEARCH REFERENCES

Am. Jur. 2d. - 48 Am. Jur. 2d, Labor and Labor Relations, § 452.

C.J.S. - 51A C.J.S., Labor Relations, §§ 402, 403.

25-5-11. Payment of expenses of mediation.

Statute text

The expenses incurred by the bargaining agent in connection with the mediation shall be borne by the bargaining agent. The expenses incurred by the corporate

History

(Ga. L. 1971, p. 565, § 11.)

25-5-12. Agreements constituting collective bargaining contracts; required provisions; engaging in work stoppages, slowdowns, or strikes by firefighters

Statute text

(a) Any agreement actually negotiated between the bargaining agent and the corporate authorities either before or within 30 days after mediation shall

(b) Any collective bargaining agreement negotiated under this chapter shall specifically provide that the firefighters who are subject to its terms s

#### History

(Ga. L. 1971, p. 565, § 12; Ga. L. 2003, p. 140, § 25.)

#### Annotations

The 2003 amendment, effective May 14, 2003, part of an Act to revise, modernize, and correct the Code, designated the existing provisions of this Code

Cross references. - Strikes by state employees, § 45-19-1 et seq.

#### JUDICIAL DECISIONS

Cited in *Burnley v. Thompson*, 524 F.2d 1233 (5th Cir. 1975).

#### RESEARCH REFERENCES

Am. Jur. 2d. - 48A Am. Jur. 2d, Labor and Labor Relations, §§ 3148 et seq., 3154 et seq., 3163.

C.J.S. - 51 C.J.S., Labor Relations, § 217.

25-5-13. Service of notice of request for collective bargaining upon corporate authorities by bargaining agent.

#### Statute text

Whenever wages, rates of pay, or any other matter requiring appropriation of money by any municipality are included as a matter of collective bargaini

#### History

(Ga. L. 1971, p. 565, § 13.)

#### Annotations

#### RESEARCH REFERENCES

C.J.S. - 51 C.J.S., Labor Relations, § 152.

25-5-14. Applicability of chapter.

#### Statute text

(a) Before a municipality with a population of 20,000 or more and its firefighters may come under this chapter, the governing authority of the municipi  
(b) In no case may a city with a population of less than 20,000 come under this chapter.

#### History

(Ga. L. 1971, p. 565, § 14.)

#### Annotations

Law reviews. - For article, "Employment Law Responsibilities of Public Employers in Georgia," see 5 Ga. St. B.J. 10 (1999).

### CHAPTER 6

#### MUTUAL AID RESOURCE PACTS

#### Sec.

25-6-1. "Jurisdiction" defined.

25-6-2. Formation of pacts authorized; status of members of fire departments of member jurisdictions.

25-6-3. Establishment of pacts; organizational meeting; adoption of articles, bylaws, and regulations; board of directors; officers, agents, and pers

25-6-4. Purpose of pacts; powers and duties of pacts generally.

25-6-5. Liability for failure to respond for purposes of extinguishing fires or other immediate response emergencies; privileges and immunities; liab

25-6-6. Appropriation of funds for pacts by member jurisdictions; receipt of gifts by pacts; entry into agreements with state and federal agencies by

25-6-7. Joining of and withdrawal from pacts by jurisdictions not having fire departments.

25-6-8. Mutual Aid Resource Pact Districts - Establishment; joining or organization of pacts by nonmember jurisdictions desiring to participate in mu

25-6-9. Mutual Aid Resource Pact Districts - Merger with other districts; communication and cooperation between districts.

25-6-10. Continuation of operation of preexistent pacts.

25-6-11. Penalty for violations of chapter.

#### Annotations

Cross references. - Definition of "pact," § 25-6-2.

25-6-1. "Jurisdiction" defined.

#### Statute text

For the purposes of this chapter, the term "jurisdiction" means a federal agency, a state agency, a local governmental subdivision of this state or an

#### History

(Ga. L. 1976, p. 742, § 2; Ga. L. 1982, p. 955, §§ 2, 4.)

#### Annotations

#### RESEARCH REFERENCES

Am. Jur. 2d. - 56 Am. Jur. 2d, Municipal Corporations, Counties, and Other Political Subdivisions, § 521.

ALR. - Use beyond municipal limits of municipal equipment for extinguishment of fires, 122 ALR 1158.

25-6-2. Formation of pacts authorized; status of members of fire departments of member jurisdictions.

#### Statute text

Whenever two or more jurisdictions, as defined by Code Section 25-6-1, within or adjacent to this state, by written resolution authorize their respect

#### History

(Ga. L. 1976, p. 742, § 1; Ga. L. 1982, p. 955, §§ 1, 4.)

#### Annotations

#### RESEARCH REFERENCES

Am. Jur. 2d. - 18 Am. Jur. 2d, Corporations, § 30. 56 Am. Jur. 2d, Municipal Corporations, Counties, and Other Political Subdivisions, §§ 196, 521.

ALR. - Use beyond municipal limits of municipal equipment for extinguishment of fires, 122 ALR 1158.

25-6-3. Establishment of pacts; organizational meeting; adoption of articles, bylaws, and regulations; board of directors; officers, agents, and perso

#### Statute text

(a) When two or more jurisdictions desire to establish a pact, each jurisdiction shall designate its fire chief or person or position in charge of it  
(b) At the organizational meeting, the pact members shall adopt articles of association and bylaws and regulations for the future government and oper  
(c) At the organizational meeting, the member delegates shall also elect a board of directors consisting of such members as may be determined by the  
(d) The directors shall choose from their number the officers of the pact, who shall have such duties and powers as the bylaws allow. Within the limi

History

(Ga. L. 1976, p. 742, § 4; Ga. L. 1982, p. 955, §§ 1, 5.)

25-6-4. Purpose of pacts; powers and duties of pacts generally.

Statute text

- (a) It shall be the primary purpose of a pact to coordinate the emergency fire services of all jurisdictions belonging to it, so as to provide better
- (b) Any pact established under authority of this chapter is charged with the responsibility of establishing an overall plan or plans for carrying out

History

(Ga. L. 1976, p. 742, § 3.)

25-6-5. Liability for failure to respond for purposes of extinguishing fires or other immediate response emergencies; privileges and immunities; liabi

Statute text

- (a) There shall be no liability imposed by law on a pact or any member jurisdiction or its personnel for failure to respond for the purpose of exting
- (b) Any firefighter or other person who is an employee or member of a jurisdiction of a pact while engaged in a duty or activity in connection with t
- (c) The loss of men or equipment while in operation under a pact agreement shall be borne as if the loss occurred in the man's or equipment's home ju

History

(Ga. L. 1976, p. 742, § 5.)

25-6-6. Appropriation of funds for pacts by member jurisdictions; receipt of gifts by pacts; entry into agreements with state and federal agencies by

Statute text

Jurisdictions belonging to a pact may raise and appropriate money for the purpose of implementing and operating the pact. The pact may receive, hold,

History

(Ga. L. 1976, p. 742, § 6.)

Annotations

RESEARCH REFERENCES

ALR. - Use beyond municipal limits of municipal equipment for extinguishment of fires, 122 ALR 1158.

25-6-7. Joining of and withdrawal from pacts by jurisdictions not having fire departments.

Statute text

- (a) Following the initial establishment of a pact, in accordance with procedures established in the bylaws of the pact, jurisdictions which do not ha
- (b) Not less than 90 days after delivering written notice to an officer of the pact, a member jurisdiction may withdraw from a pact after a vote of i

History

(Ga. L. 1976, p. 742, § 7; Ga. L. 1982, p. 955, §§ 3, 6.)

Annotations

RESEARCH REFERENCES

Am. Jur. 2d. - 56 Am. Jur. 2d, Municipal Corporations, Counties, and Other Political Subdivisions, § 196.

25-6-8. Mutual Aid Resource Pact Districts - Establishment; joining or organization of pacts by nonmember jurisdictions desiring to participate in mut

Statute text

- (a) Pact districts shall be established along the boundaries of counties in which member jurisdictions of a pact are located.
  - (b) If a nonmember jurisdiction is located within the boundaries of an established pact, it must become a part of that pact should it desire to parti
- (1) Join with one of the bordering pact counties, provided that jurisdictions in the same county shall not be permitted to become members of different
  - (2) Organize a pact, provided two or more jurisdictions are involved, as set forth in Code Section 25-6-2.

History

(Ga. L. 1976, p. 742, § 8; Ga. L. 1982, p. 955, §§ 1, 7.)

Annotations

RESEARCH REFERENCES

Am. Jur. 2d. - 56 Am. Jur. 2d, Municipal Corporations, Counties, and Other Political Subdivisions, §§ 196, 521.

25-6-9. Mutual Aid Resource Pact Districts - Merger with other districts; communication and cooperation between districts.

Statute text

- (a) Should the member jurisdictions of one or more pact districts desire to merge with another district, the merger may be accomplished in keeping wi
- (b) Nothing in this chapter shall be construed as prohibiting communication or cooperation among various pact districts. The boards of directors of v

History

(Ga. L. 1976, p. 742, § 9.)

25-6-10. Continuation of operation of preexistent pacts.

Statute text

Pacts in existence on July 4, 1976, are authorized to continue to operate under their articles of incorporation or organizational policy.

History

(Ga. L. 1976, p. 742, § 11.)

25-6-11. Penalty for violations of chapter.

Statute text

Any member of the governing body of a jurisdiction or any other person who violates this chapter shall be guilty of a misdemeanor and may be prosecute

History

(Ga. L. 1976, p. 742, § 10.)

Annotations

RESEARCH REFERENCES

Am. Jur. 2d. - 36 Am. Jur. 2d, Forfeitures and Penalties, § 1 et seq.

C.J.S. - 70 C.J.S., Penalties, § 1 et seq.

Sec.

- 25-7-1. Short title.
- 25-7-2. Creation; purposes.
- 25-7-3. "Board" defined.
- 25-7-4. Powers and duties of Board of Public Safety as to academy generally; selection and compensation of superintendent of academy; creation of adv
- 25-7-5. Responsibilities of superintendent of academy.
- 25-7-6. Administrative assignment of academy to Department of Public Safety; acceptance of gifts, grants, and donations by board.
- 25-7-7. Persons to whom training programs to be made available; establishing fees; eligibility.
- 25-7-8. Requirement of attendance at academy training programs; effect of academy training programs upon other training programs.

Annotations

#### OPINIONS OF THE ATTORNEY GENERAL

Membership in Employees' Retirement System of Georgia. - Employees of the Georgia Fire Academy are legally entitled to membership in the Employees' Re

25-7-1. Short title.

Statute text

This chapter shall be known and may be cited as the "Georgia Fire Academy Act."

History

(Ga. L. 1976, p. 1725, § 1.)

25-7-2. Creation; purposes.

Statute text

There is created the Georgia Fire Academy, the purposes of which shall be, through training and research:

- (1) To reduce the costs in suffering and property loss resulting from fire;
- (2) To provide professional training to paid, volunteer, and other publicly or privately employed firefighters at a minimal cost to them and their emp
- (3) To assist the state and its counties, municipalities, and other political subdivisions and the officers thereof in the investigation and determina
- (4) To develop new methods of fire prevention and fire fighting;
- (5) To provide facilities for testing fire-fighting and prevention equipment; and
- (6) To assist the state and its counties, municipalities, and other political subdivisions in the training and operations of fire department-related e

History

(Ga. L. 1976, p. 1725, § 2; Ga. L. 2002, p. 660, § 4; Ga. L. 2002, p. 1259, § 11.)

Annotations

The 2002 amendments. The first 2002 amendment, effective July 1, 2002, substituted "firefighters" for "firemen" in paragraph (2). The second 2002 amen

25-7-3. "Board" defined.

Statute text

As used in this chapter, "board" means the Board of Public Safety.

Annotations

Editor's notes. - Effective July 1, 1980, Ga. L. 1980, p. 431, § 1, abolished the Georgia Fire Academy Board. By the same law the General Assembly d

25-7-4. Powers and duties of Board of Public Safety as to academy generally; selection and compensation of superintendent of academy; creation of advi

Statute text

- (a) The Board of Public Safety is authorized and empowered to establish, operate, and maintain the Georgia Fire Academy for the purposes enumerated i
- (b) The board is authorized and directed to create an advisory council to advise and assist it in carrying out its duties and responsibilities under

History

(Ga. L. 1976, p. 1725, § 4; Ga. L. 1980, p. 431, § 2.)

25-7-5. Responsibilities of superintendent of academy.

Statute text

The superintendent of the Georgia Fire Academy shall be responsible for the selection of a staff. He shall also be responsible for the execution of al

History

(Ga. L. 1976, p. 1725, § 5.)

25-7-6. Administrative assignment of academy to Department of Public Safety; acceptance of gifts, grants, and donations by board.

Statute text

- (a) The Georgia Fire Academy is assigned to the Department of Public Safety for administrative purposes only, as described in Code Section 50-4-3.
- (b) The Board of Public Safety is authorized to accept gifts, grants, and donations for the purposes of carrying out this chapter. The board is also

History

(Ga. L. 1976, p. 1725, § 6.)

25-7-7. Persons to whom training programs to be made available; establishing fees; eligibility.

Statute text

Subject to the rules and regulations prescribed by the Board of Public Safety, the training program of the academy shall be made available to all fire

History

(Ga. L. 1976, p. 1725, § 7.)

Annotations

#### OPINIONS OF THE ATTORNEY GENERAL

Board of Public Safety is authorized to provide firefighting training to employees of firefighting organization. - The Board of the Georgia Fire Acade

25-7-8. Requirement of attendance at academy training programs; effect of academy training programs upon other training programs.

Statute text

It is not the intention of this chapter that it be mandatory that any firefighter be required to attend the academy. The training program established

History

(Ga. L. 1976, p. 1725, § 8.)

#### CHAPTER 8

#### REGULATION OF BLASTING OPERATIONS GENERALLY

Sec.

- 25-8-1. Short title.
- 25-8-2. Definitions.

- 25-8-3. Requirements governing use of explosives in blasting generally.
- 25-8-4. Blasting standards; formulas and tables.
- 25-8-5. Use of seismograph measurements.
- 25-8-6. License requirement.
- 25-8-7. Refusal, suspension, or revocation of license.
- 25-8-8. Maintenance of blasting records.
- 25-8-9. Promulgation of rules and regulations by Commissioner; forms.
- 25-8-10. Approval by Commissioner of variations from requirements of chapter.
- 25-8-11. Powers of Commissioner for enforcement of chapter, rules, and regulations generally; privileged nature of evidence submitted to Commissioner
- 25-8-12. Penalties for violations of chapter, rules, regulations, or orders.

Annotations

Administrative Rules and Regulations. - Regulations of blasting operations, generally, Official Compilation of Rules and Regulations of State of Georg

JUDICIAL DECISIONS

Punitive damages precluded by compliance with regulations. - Punitive damages are, as a general rule, improper where a defendant has complied with env

25-8-1. Short title.

Statute text

This chapter shall be known and may be cited as the "Georgia Blasting Standards Act of 1978."

History

(Ga. L. 1978, p. 1624, § 1.)

Annotations

RESEARCH REFERENCES

10A Am. Jur. Pleading and Practice Forms, Explosions and Explosives, § 2.

25-8-2. Definitions.

Statute text

As used in this chapter, the term:

- (1) "Blaster" means a person qualified by reason of training, knowledge, or experience to fire or detonate explosives in blasting operations and who h
- (2) "Blasting operation" means the use of explosives in the blasting of stone, rock, ore, or any other natural formation or in any construction or dem
- (3) "Charge weight" means the total weight in pounds of an explosive charge.
- (4) "Charge weight per delay" means the weight in pounds of an explosive charge which is detonated per delay period for delay intervals of eight milli
- (5) "Commissioner" means the Safety Fire Commissioner.
- (6) "Delay initiation" means the detonation of the subcharge of explosives in predetermined sequence which is accomplished by using regular or short p
- (7) "Delay period" means the time interval in milliseconds (eight milliseconds or greater) between successive detonations of subchargers produced by t
- (8) "Distance" means the actual distance in feet along ground contour to the nearest house, public building, school, church, or commercial or institut
- (9) "Explosives" means any chemical compound or other substance or mechanical system intended for the purpose of producing an explosion or containing
- (10) "Particle velocity" means the velocity with which an earth particle moves when vibrating or oscillating in any manner from its position of rest o
- (11) "Person" means any individual, public or private corporation, political subdivision, government agency, municipality, industry, partnership, asso
- (12) "Scaled distance" or "Ds" means the actual distance (D) in feet divided by the square root of the maximum charge weight (W) in pounds that is det

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History

(Ga. L. 1978, p. 1624, § 2; Ga. L. 1982, p. 3, § 25.)

25-8-3. Requirements governing use of explosives in blasting generally.

Statute text

- (a) The use of explosives for the purpose of blasting in the neighborhood of any public highway, railroad, airport, dwelling house, public building,
- (b) In all blasting operations, except as otherwise provided in this chapter, the maximum particle velocity of any component of ground motion recorde
- (c) Blasting operations without instrumentation will be considered as being within the limits set forth in this Code section if such blasting operati
- (d) Any blasting operation may be conducted without reference to any maximum amount or period provided by this Code section if the person in charge o
- (e) Instrumentation for determining particle velocity of ground motion, as set forth in this chapter, shall be limited to devices that conform with d
- (f) When blasting operations, other than those conducted at a fixed site as a part of any industry or business operated at the site, are to be conduc
- (g) Blasting operations shall not be conducted within close proximity to any public highway unless reasonable precautionary measures are taken to saf
- (h) When blasting operations are conducted at the immediate location of any dwelling house, public building, school, church, or commercial or institu

History

(Ga. L. 1978, p. 1624, § 3.)

Annotations

RESEARCH REFERENCES

ALR. - Duty of one blasting near a cut on embankment along a railroad right of way, 51 ALR 780.

Liability for property damage by concussion from blasting, 20 ALR2d 1372.

25-8-4. Blasting standards; formulas and tables.

Statute text

- (a) In all blasting operations, except as otherwise provided in this chapter, the maximum peak particle velocity of any component of ground motion re
- (b) For blast-to-structure distance greater than 300 feet, the standard table for maximum charge per delay shall be generated by the formula:

CLICK TO VIEW FORMULA

where W is the weight of explosive in pounds and D is the distance in feet to the nearest dwelling house, public building, school, church, or commerci  
 (c) The following table may be used for determining the weight of explosives to be used with a single delay period:

STANDARD TABLE OF DISTANCE

Distance in Feet	Weight in Pounds
0-10	1/8
11-15	1/4
16-20	1/2
21-25	3/4
26-30	1.00
40	2.25
50	3.50

60	4.75
70	6.00
80	7.25
90	8.50
100	9.75
110	11.0
130	13.5
150	16.0
170	18.5
190	21.0
210	23.5
230	26.0
250	28.5
270	31.0
290	33.5
300	34.75
350	49
400	64
500	100
600	144
700	196
800	256
900	324
1000	400
1100	484
1200	576
1300	676
1400	784
1500	900
1600	1024
1700	1156
1800	1296
1900	1444
2000	1600
2500	2500
3000	3600
3500	4900
4000	6400
4500	8100

(d) For nontabulated distances of over 300 feet, the following formula shall be used:

[CLICK TO VIEW FORMULA](#)

History

(Ga. L. 1978, p. 1624, § 4.)

25-8-5. Use of seismograph measurements.

Statute text

- (a) Seismograph measurements may be used to increase the charge weight per delay period, provided that the velocity limit of two inches per second of  
(b) Seismograph measurements must be used in each individual blasting operation in which the standard table of distance is not being complied with. N  
(c) In estimating the maximum peak particle velocity at a particular position, the following formula shall be used:

[CLICK TO VIEW FORMULA](#)

History

(Ga. L. 1978, p. 1624, § 5.)

25-8-6. License requirement.

Statute text

Every person engaged in any use of explosives regulated by this chapter shall be licensed in accordance with the provisions of Code Section 25-2-17.

History

(Ga. L. 1978, p. 1624, § 6; Ga. L. 1994, p. 728, § 1.)

Annotations

RESEARCH REFERENCES

Am. Jur. 2d. - 31 Am. Jur. 2d, Explosions and Explosives, § 2.

C.J.S. - 35 C.J.S., Explosives, § 29 et seq.

25-8-7. Refusal, suspension, or revocation of license.

Statute text

Issuance of a license for the use of explosives may be refused or such a license which has been duly issued may be suspended or revoked or the renewal

- (1) Has violated any provision of this chapter or of any other law of this state or any regulation duly promulgated by the Commissioner;  
(2) Has intentionally misrepresented or concealed any material fact in the application for the license or any document filed in support thereof;  
(3) Has permitted any person in his or her employ, either by direct instruction or by reasonable implication, to violate this chapter;  
(4) Has been convicted of a felony by final judgment in any state or federal court;  
(5) Has failed to comply with or has violated any proper order, rule, or regulation issued by the Commissioner; or  
(6) Has otherwise shown a lack of trustworthiness or lack of competence to act as a blaster.

History

(Ga. L. 1978, p. 1624, § 7; Ga. L. 1994, p. 728, § 2.)

Annotations

RESEARCH REFERENCES

Am. Jur. 2d. - 51 Am. Jur. 2d, Licenses and Permits, §§ 89, 84.

C.J.S. - 53 C.J.S., Licenses, § 78 et seq.

25-8-8. Maintenance of blasting records.

Statute text

- (a) A record of each blast shall be kept. All records, including seismograph reports, shall be retained at least three years and shall be available f  
(b) All records kept pursuant to subsection (a) of this Code section shall contain the following minimum data:

- (1) The name of the company or contractor;
  - (2) The location, date, and time of the blast;
  - (3) The name, signature, and license number of the blaster in charge;
  - (4) The type of material blasted;
  - (5) The number of holes, burden, and spacing;
  - (6) The diameter and depth of holes;
  - (7) The types of explosives used (trade name);
  - (8) The total weight of explosives used;
  - (9) The maximum weight of explosives and maximum number of holes per delay interval of eight milliseconds or greater;
  - (10) The method of firing;
  - (11) The direction and distance in feet to the nearest dwelling house, public building, school, church, or commercial or institutional building normal
  - (12) The weather conditions;
  - (13) The type and height or length of stemming;
  - (14) The type of delay blasting caps used and the delay periods used (trade name); and
  - (15) Whether or not mats or other forms of protection were used.
- (c) The person taking the seismograph reading shall accurately indicate:
    - (1) The location of each seismograph used and its distance from the blast;
    - (2) The name of the person and firm, if any, analyzing the seismograph record;
    - (3) The name of the person operating the seismograph; and
    - (4) The exact location of blast relative to grid, station number, or permanent location.
  - (d) It shall be unlawful for any person to make a false entry in any record required to be kept pursuant to this Code section.

#### History

(Ga. L. 1978, p. 1624, § 8.)

25-8-9. Promulgation of rules and regulations by Commissioner; forms.

#### Statute text

The Commissioner may promulgate such rules and regulations, neither inconsistent nor contradictory with this chapter, as he deems necessary to effectu

#### History

(Ga. L. 1978, p. 1624, § 9.)

#### Annotations

#### RESEARCH REFERENCES

Am. Jur. 2d. - 31A Am. Jur. 2d, Explosions and Explosives, § 1 et seq.

C.J.S. - 35 C.J.S., Explosives, § 4 et seq.

25-8-10. Approval by Commissioner of variations from requirements of chapter.

#### Statute text

The Commissioner may approve variations from the requirements of this chapter when he finds that an emergency exists and that the proposed variations

#### History

(Ga. L. 1978, p. 1624, § 10.)

#### Annotations

#### RESEARCH REFERENCES

Am. Jur. 2d. - 2 Am. Jur. 2d, Administrative Law, § 294. 73 Am. Jur. 2d, Statutes, § 255.

25-8-11. Powers of Commissioner for enforcement of chapter, rules, and regulations generally; privileged nature of evidence submitted to Commissioner.

#### Statute text

- (a) Whenever it appears to the Commissioner, either upon investigation or otherwise, that any person has engaged in, is engaging in, or is about to e
- (b) Other powers granted to the Commissioner for the enforcement of this chapter include, but are not limited to, the following:
  - (1) The Commissioner may institute actions or other legal proceedings in any superior court of proper venue. Thereupon, the superior court, among othe
  - (2) In addition to any other penalties provided in this chapter, the Commissioner shall have authority to place a licensee on probation for a period o
  - (3) The Commissioner or his designee shall have investigatorial powers and shall be empowered to subpoena witnesses and to examine them under oath.
  - (c) All testimony, documents, and other evidence required to be submitted to the Commissioner pursuant to this chapter shall be privileged.

#### History

(Ga. L. 1978, p. 1624, § 11.)

#### Annotations

#### RESEARCH REFERENCES

Am. Jur. 2d. - 63C Am. Jur. 2d, Public Officers and Employees, §§ 223 et seq., 468.

C.J.S. - 67 C.J.S., Officers and Public Employees, § 224 et seq.

ALR. - Liability for property damage by concussion from blasting, 20 ALR2d 1372.

Absolute liability for blasting operations as extending to injury or damage not directly caused by debris or concussion from explosion, 56 ALR3d 1017.

25-8-12. Penalties for violations of chapter, rules, regulations, or orders.

#### Statute text

Any person who violates this chapter or any rule, regulation, or order promulgated by the Commissioner pursuant to this chapter shall be guilty of a m

#### History

(Ga. L. 1978, p. 1624, § 12.)

#### Annotations

#### RESEARCH REFERENCES

Am. Jur. 2d. - 36 Am. Jur. 2d, Forfeitures and Penalties, § 1 et seq.

C.J.S. - 70 C.J.S., Penalties, § 1 et seq.

ALR. - Liability for property damage by concussion from blasting, 20 ALR2d 1372.

#### CHAPTER 9

#### BLASTING OR EXCAVATING NEAR UTILITY FACILITIES

#### Sec.

- 25-9-1. Short title.
- 25-9-2. Purpose of chapter.
- 25-9-3. Definitions.

- 25-9-4. Design locate request and response.
- 25-9-5. Cooperation with UPC; permanent markers for water and sewer facilities; point of contact list.
- 25-9-6. Prerequisites to blasting or excavating; marking of sites.
- 25-9-7. Determining whether utility facilities are present; information to UPC; noncompliance; future utility facilities; abandoned utility facilities
- 25-9-8. Treatment of gas pipes and other underground utility facilities by blasters and excavators.
- 25-9-9. Degree of accuracy required in utility facility location information; effect of inaccurate information on liability of blaster or excavator;
- 25-9-10. Effect of chapter upon rights, titles, powers, or interests of facility owners or operators.
- 25-9-11. Effect of chapter upon rights, powers, etc., of state, counties, or municipalities concerning facilities located on public road or street ri
- 25-9-12. Notice requirements for emergency evacuations.
- 25-9-13. Penalties for violations of chapter; bonds; enforcement; advisory committee; dispose of settlement recommendations.

Annotations

Cross references. - Distribution, storage, and sale of gas generally, Ch. 4, T. 46.

Administrative Rules and Regulations. - Enforcement Procedures under the Georgia Utility Facility Protection Act, Official Compilation of the Rules an

RESEARCH REFERENCES

ALR. - Liability of one excavating on private property for injury to public utility cables, conduits, or the like, 28 ALR5th 603.

25-9-1. Short title.

Statute text

This chapter shall be known and may be cited as the "Georgia Utility Facility Protection Act."

History

(Code 1981, § 25-9-1, enacted by Ga. L. 2000, p. 780, § 1.)

Annotations

Editor's notes. - Ga. L. 2000, p. 780, § 1, effective July 1, 2000, renumbered former Code Section 25-9-1 as present Code Section 25-9-2.

Law reviews. - For annual survey of administrative law, see 56 Mercer L. Rev. 31 (2004).

JUDICIAL DECISIONS

Cited in Perry v. Georgia Power Co., 278 Ga. App. 759, 629 S.E.2d 588 (2006).

25-9-2. Purpose of chapter.

Statute text

The purpose of this chapter is to protect the public from physical harm, prevent injury to persons and property, and prevent interruptions of utility

History

(Ga. L. 1969, p. 50, § 1; Ga. L. 1986, p. 1069, § 1; Ga. L. 1990, p. 805, § 1; Code 1981, § 25-9-2, as redesignated by Ga. L. 2000, p. 780, § 1; Ga. L

Annotations

The 2005 amendment, effective July 1, 2005, inserted "and sewer laterals" in three places.

Editor's notes. - Ga. L. 2000, p. 780, § 1, effective July 1, 2000, renumbered former Code Section 25-9-2 as present Code Section 25-9-3.

OPINIONS OF THE ATTORNEY GENERAL

The provisions of Ga. L. 1969, p. 50 (see O.C.G.A. Title 25, Chapter 9) do not apply to the State Highway Department (now Department of Transportation

RESEARCH REFERENCES

Am. Jur. 2d. - 61 Am. Jur. 2d, Pipelines, §§ 30, 31.

C.J.S. - 58 C.J.S., Mines and Minerals, § 439 et seq.

25-9-3. Definitions.

Statute text

As used in this chapter, the term:

- (1) "Abandoned utility facility" means a utility facility taken out of service by a facility owner or operator on or after January 1, 2001.
- (2) "Blasting" means any operation by which the level or grade of land is changed or by which earth, rock, buildings, structures, or other masses or m
- (3) "Business days" means Monday through Friday, excluding the following holidays: New Year's Day, Birthday of Dr. Martin Luther King, Jr., Memorial D
- (4) "Business hours" means the time from 7:00 A.M. to 4:30 P.M. local time on business days.
- (5) "Commission" means the Public Service Commission.
- (6) "Corporation" means any corporation; municipal corporation; county; authority; joint-stock company; partnership; association; business trust; coop
- (7) "Damage" means any impact or exposure that results in the need to repair a utility facility or sewer lateral due to the weakening or the partial o
- (8) "Design locate request" means a communication to the utilities protection center in which a request for locating existing utility facilities for b
- (9) "Designate" means to stake or mark on the surface of the tract or parcel of land the location of a utility facility or sewer lateral.
- (10) "Emergency" means a sudden or unforeseen occurrence involving a clear and imminent danger to life, health, or property; the interruption of utili
- (11) "Emergency notice" means a communication to the utilities protection center to alert the involved facility owners or operators of the need to exc
- (12) "Excavating" means any operation by which the level or grade of land is changed or earth, rock, or other material below existing grade is moved a
- (13) "Excavator" means any person engaged in excavating or blasting as defined in this Code section.
- (14) "Extraordinary circumstances" means circumstances other than normal operating conditions which exist and make it impractical or impossible for a
- (15) "Facility owner or operator" means any person or entity with the sole exception of a homeowner who owns, operates, or controls the operation of a
- (16) "Horizontal directional drilling" or "HDD" means a type of trenchless excavation that uses guidable boring equipment to excavate in an essentiall
- (17) "Large project" means an excavation that involves more work to locate utility facilities than can reasonably be completed within the requirements
- (18) "Local governing authority" means a county, municipality, or local authority created by or pursuant to general, local, or special Act of the Gene
- (19) "Locate request" means a communication between an excavator and the utilities protection center in which a request for locating utility facilitie
- (20) "Locator" means a person who is acting on behalf of facility owners and operators in designating the location of the utility facilities and sewer
- (21) "Mechanized excavating equipment" means all equipment which is powered by any motor, engine, or hydraulic or pneumatic device and which is used f
- (22) "Minimally intrusive excavation methods" means methods of excavation that minimize the potential for damage to utility facilities and sewer later
- (23) "Permanent marker" means a visible indication of the approximate location of a utility facility or sewer lateral that can reasonably be expected
- (24) "Person" means an individual, firm, joint venture, partnership, association, local governing authority, state, or other governmental unit, author
- (25) "Positive response information system" or "PRIS" means the automated information system operated and maintained by the utilities protection cente
- (26) "Service area" means a contiguous area or territory which encompasses the distribution system or network of utility facilities by means of which
- (27) "Sewer lateral" means an individual customer service line which transports waste water from one or more building units to a utility owned sewer f
- (28) "Sewer system owner or operator" means the owner or operator of a sewer system. Sewer systems shall be considered to extend to the connection to
- (29) "Traffic control devices" means all roadway or railroad signs, sign structures, or signals and all associated infrastructure on which the public
- (30) "Traffic management system" means a network of traffic control devices, monitoring sensors, and personnel, with all associated communications and
- (31) "Tolerance zone" means the width of the utility facility or sewer lateral plus 24 inches on either side of the outside edge of the utility facili
- (32) "Trenchless excavation" means a method of excavation that uses boring equipment to excavate with minimal or no disturbance to the ground surface
- (33) "Unlocatable facility" means an underground facility that cannot be marked with reasonable accuracy using generally accepted techniques or equipm
- (34) "Utilities protection center" or "UPC" means the corporation or other organization formed by facility owners or operators to provide a joint noti
- (35) "Utility facility" means an underground or submerged conductor, pipe, or structure used or installed for use in providing electric or communicati

History

(Ga. L. 1969, p. 50, § 2; Ga. L. 1970, p. 226, §§ 1, 2; Ga. L. 1978, p. 1659, § 1; Ga. L. 1982, p. 1577, §§ 1, 2; Ga. L. 1986, p. 1069, § 1; Ga. L. 19

#### Annotations

The 2005 amendment, effective July 1, 2005, rewrote this Code section.

Code Commission notes. - Pursuant to Code Section 28-9-5, in 2005, paragraphs (33) and (34) were redesignated as paragraphs (34) and (35), respectively. Pursuant to Code Section 28-9-5, in 2000, "do not exceed" was substituted for "does not exceed" in paragraph (11) and a comma was inserted following "Pursuant to Code Section 28-9-5, in 2005, paragraph (33)", as enacted by Ga. L. 2003, p. 813, was redesignated as paragraph (34) and paragraph (34), as

Editor's notes. - Former Code Section 25-9-3, concerning the requirement that utilities with gas pipes or underground facilities file information with

#### JUDICIAL DECISIONS

Violations. - When an asphalt company admitted that it had been "scraping" a site where a telephone cable was severed, and telephone company employees cited in *Perry v. Georgia Power Co.*, 278 Ga. App. 759, 629 S.E.2d 588 (2006).

#### OPINIONS OF THE ATTORNEY GENERAL

The provisions of Ga. L. 1969, p. 50 (see O.C.G.A. Title 25, Chapter 9) do not apply to the State Highway Department (now Department of Transportation) 25-9-4. Design locate request and response.

#### Statute text

(a) Any person may submit a design locate request to the UPC. Such design locate request shall:

- (1) Describe the tract or parcel of land for which the design locate request has been submitted with sufficient particularity, as defined by policies
- (2) State the name, address, and telephone number of the person who has submitted the design locate request, as well as the name, address, and telephone
- (b) Within ten working days after a design locate request has been submitted to the UPC for a proposed project, the facility owner or operator shall
- (1) Designate or cause to be designated by a locator in accordance with Code Section 25-9-9 the location of all utility facilities and sewer laterals
- (2) Provide to the person submitting the design locate request the best available description of all utility facilities and sewer laterals in the area
- (3) Allow the person submitting the design locate request or any other authorized person to inspect or copy the drawings or other records for all utility
- (c) Upon responding using any of the methods provided in subsection (b) of this Code section, the facility owner or operator shall provide the response

#### History

(Code 1981, § 25-9-4, enacted by Ga. L. 2000, p. 780, § 1; Ga. L. 2005, p. 1142, § 3/SB 274.)

#### Annotations

The 2005 amendment, effective July 1, 2005, substituted "UPC" for "utilities protection center" in three places in subsections (a) and (b); in paragraph

Editor's notes. - Ga. L. 2000, p. 780, § 1, effective July 1, 2000, renumbered former Code Section 25-9-4 as present Code Section 25-9-5, and enacted 25-9-5. Cooperation with UPC; permanent markers for water and sewer facilities; point of contact list.

#### Statute text

- (a) Except as otherwise provided by subsection (b) of this Code section, all facility owners or operators operating or maintaining utility facilities
- (b) Persons who install water and sewer facilities or who own such facilities until those facilities are accepted by a local governing authority or other
- (c) The UPC shall maintain a list of the name, address, and telephone number of the office, department, or other source from or through which information

#### History

(Code 1981, § 25-9-4, enacted by Ga. L. 1986, p. 1069, § 1; Ga. L. 1990, p. 805, § 1; Code 1981, § 25-9-5, as redesignated by Ga. L. 2000, p. 780, § 1

#### Annotations

The 2005 amendment, effective July 1, 2005, in subsection (a), in the first sentence, substituted "Except as otherwise provided by subsection (b) of this

Editor's notes. - Former Code Section 25-9-5, concerning duties of the superior court clerks and filing fees, was repealed and reserved by Ga. L. 1990 25-9-6. Prerequisites to blasting or excavating; marking of sites.

#### Statute text

- (a) No person shall commence, perform, or engage in blasting or in excavating with mechanized excavating equipment on any tract or parcel of land in
- (1) Describe the tract or parcel of land upon which the blasting or excavation is to take place with sufficient particularity, as defined by policies
- (2) State the name, address, and telephone number of the person who will engage in the blasting or excavating;
- (3) Describe the type of blasting or excavating to be engaged in by the person; and
- (4) Designate the date upon which the blasting or excavating will commence.
- (b) In the event the location upon which the blasting or excavating is to take place cannot be described with sufficient particularity to enable the
- (c) Except as otherwise provided in this subsection, notice given pursuant to subsection (a) of this Code section shall expire 21 calendar days following
- (d) For emergencies, notice shall expire at 7:00 A.M. three business days after the notification is made to the UPC.
- (e) Except for those persons submitting design locate requests, no person, including facility owners or operators, shall request marking of a site that
- (f) If, subsequent to giving the notice to the UPC required by subsection (a) of this Code section, a person planning excavating determines that such
- (g) When a locate request is made in accordance with subsection (a) of this Code section, excavators other than the person planning the blasting or excavating
- (1) Performed on the tract or parcel of land identified in the locate request;
- (2) Performed by a person authorized by and having a contractual relationship with the person planning the blasting or excavating;
- (3) The type of blasting or excavating described in the locate request; and
- (4) Carried out in accordance with all other requirements of this chapter.
- (h) Facility owners or operators may bill an excavator their costs for any requests for re-marking other than for re-marking with no more than five individuals

#### History

(Ga. L. 1969, p. 50, § 5; Ga. L. 1975, p. 417, § 3; Code 1981, § 25-9-5 [repealed]; Code 1981, § 25-9-6, as redesignated by Ga. L. 1986, p. 1069, § 1;

#### Annotations

The 2005 amendment, effective July 1, 2005, substituted "UPC" for "utilities protection center" throughout the Code section; in the introductory language

Editor's notes. - This Code section formerly provided for a gas company's duties upon being notified of proposed blasting or excavating. Ga. L. 1986 25-9-5. Cooperation with UPC; permanent markers for water and sewer facilities; point of contact list.

#### JUDICIAL DECISIONS

Violations. - When an asphalt company admitted that it had been "scraping" a site where a telephone cable was severed, and telephone company employees cited in *Perry v. Georgia Power Co.*, 278 Ga. App. 759, 629 S.E.2d 588 (2006).

#### RESEARCH REFERENCES

Am. Jur. 2d. - 31A Am. Jur. 2d, Explosions and Explosives, §§ 39, 40.

C.J.S. - 35 C.J.S., Explosives, § 29 et seq.

ALR. - Liability for property damage by concussion from blasting, 20 ALR2d 1372.

Liability of excavator for injury or damage resulting from explosion or fire caused by his damaging of gas mains and pipes, 53 ALR2d 1083.

Liability of gas company for damage resulting from failure to inspect or supervise work of contractors digging near gas pipes, 71 ALR3d 1174.

Liability of one excavating in highway for injury to public utility cables, conduits, or the like, 73 ALR3d 987.

25-9-7. Determining whether utility facilities are present; information to UPC; noncompliance; future utility facilities; abandoned utility facilities

#### Statute text

(a) (1)

(a) (1) Within 48 hours beginning the next business day after the business day following receipt by the UPC of the locate request filed in accordance with the

(2) Designation of the location of utility facilities through staking, flagging, permanent markers, or other marking shall be in accordance with the

(3) A facility owner or operator is not required to mark its own facilities within 48 hours if the facility owner or operator or its agents are the on

(b) (1)

(b) (1) Within 48 hours beginning the next business day after the business day following receipt by the UPC of the locate request filed in accordance with the

(2) To assist in designating sewer laterals, the sewer system owner or operator shall provide its best available information regarding the location of

(A) Marking the location of sewer laterals in accordance with subsection (a) of this section, provided that:

(i) Any sewer lateral designated using the best available information shall constitute a good faith attempt and shall be deemed to be in compliance with

(ii) If a sewer lateral is unlocatable, a triangular green mark shall be placed at the sewer main pointing at the address in question to indicate the

(B) Providing electronic copies of or delivering the records through facsimile or by other means to an agreed upon location within 48 hours beginning

(C) Arranging to meet the excavator on site to provide the best available information about the location of the sewer laterals;

(D) Providing the records through other processes and to other locations approved by documented agreement between the excavator and the facility owner

(E) Any other reasonable means of conveyance approved by the commission after receiving recommendations from the advisory committee, provided that such

(c) Each facility owner or operator, either upon determining that no utility facility or sewer lateral is present on the tract or parcel of land or upon

(d) In the event the facility owner or operator is unable to designate the location of the utility facilities or sewer laterals due to extraordinary

(e) If, at the end of the time period specified in subsections (a) and (b) of this Code section, any facility owner or operator has not complied with

(f) If visible and obvious evidence of the presence of an unmarked utility facility or sewer lateral does exist and the facility owner or operator either

(g) All utility facilities installed by facility owners or operators on or after January 1, 2001, shall be installed in a manner which will make them

(h) Facility owners or operators shall either maintain recorded information concerning the location and other characteristics of abandoned utility facilities

(i) Notwithstanding any other provision of law to the contrary, a facility owner or operator may use a locator to designate any or all utility facilities

(j) By January 1, 2006, the advisory committee shall propose to the Public Service Commission rules and processes specific to the locating of large pipes

(k) (1)

(k) (1) Within 48 hours beginning the next business day after the business day following receipt by the UPC of the locate request filed in accordance with the

(2) This subsection shall not apply to sewer laterals.

#### History

(Ga. L. 1969, p. 50, § 6; Ga. L. 1975, p. 417, § 4; Code 1981, § 25-9-6; Ga. L. 1986, p. 1069, § 1; Ga. L. 1990, p. 805, § 1; Ga. L. 2000, p. 780, § 1

#### Annotations

The 2005 amendment, effective July 1, 2005, rewrote this Code section.

Code Commission notes. - Pursuant to Code Section 28-9-5, in 2000, a comma was deleted following "abandoned facility" in the third sentence in subject

Editor's notes. - This Code section formerly provided for treatment to be given gas pipes and facilities by persons undertaking blasting or excavating

Ga. L. 1986, p. 1069, § 1 in effect renumbered former Code Section 25-9-6 as this Code section.

#### JUDICIAL DECISIONS

Cited in *Perry v. Georgia Power Co.*, 278 Ga. App. 759, 629 S.E.2d 588 (2006).

#### RESEARCH REFERENCES

ALR. - Liability of gas company for injury or damage due to defects in service lines on consumer's premises, 26 ALR2d 136.

Liability of gas company for damage resulting from failure to inspect or supervise work of contractors digging near gas pipes, 71 ALR3d 1174.

25-9-8. Treatment of gas pipes and other underground utility facilities by blasters and excavators.

#### Statute text

(a) Persons engaged in blasting or in excavating with mechanized excavating equipment shall not strike, damage, injure, or loosen any utility facility

(b) When excavating or blasting is to take place within the tolerance zone, the excavator shall exercise such reasonable care as may be necessary for

(c) When conducting trenchless excavation the excavator must exercise reasonable care, as described in subsection (b) of this Code section, and shall

(d) Any person engaged in blasting or in excavating with mechanized excavating equipment who strikes, damages, injures, or loosens any utility facility

#### History

(Ga. L. 1969, p. 50, § 7; Code 1981, § 25-9-7; Ga. L. 1986, p. 1069, § 1; Ga. L. 1990, p. 805, § 1; Ga. L. 2000, p. 780, § 1; Ga. L. 2005, p. 1142, §

#### Annotations

The 2005 amendment, effective July 1, 2005, in subsection (a), inserted "or sewer lateral" following "utility facility" and inserted ", flagged," following

Editor's notes. - This Code section formerly provided for the degree of accuracy required of gas companies in providing pipe location and for the ap

Ga. L. 1986, p. 1069, § 1 in effect renumbered former Code Section 25-9-7 as this Code section.

#### RESEARCH REFERENCES

ALR. - Liability of gas company for damage resulting from failure to inspect or supervise work of contractors digging near gas pipes, 71 ALR3d 1174.

Liability of one excavating in highway for injury to public utility cables, conduits, or the like, 73 ALR3d 987.

25-9-9. Degree of accuracy required in utility facility location information; effect of inaccurate information on liability of blaster or excavator; 1

#### Statute text

(a) For the purposes of this chapter, the location of utility facilities which is provided by a facility owner or operator in accordance with subject

(b) Upon documented evidence that the person seeking information as to the location of utility facilities has incurred losses or expenses due to inac

#### History

(Ga. L. 1975, p. 417, § 5; Code 1981, § 25-9-8; Ga. L. 1986, p. 1069, § 1; Ga. L. 1990, p. 805, § 1; Ga. L. 2000, p. 780, § 1; Ga. L. 2005, p. 1142, §

#### Annotations

The 2005 amendment, effective July 1, 2005, in subsection (a), in the first sentence, deleted "information concerning" following "this chapter," and i

Code Commission notes. - Pursuant to Code Section 28-9-5, in 2000, "its" was substituted for "their" in the second sentence in subsection (a).

Editor's notes. - This Code section formerly provided for the effect of this chapter on the rights, duties, etc. of gas companies. Ga. L. 1986, p. 1

Ga. L. 1986, p. 1069, § 1 in effect renumbered former Code Section 25-9-9 as this Code section.

#### RESEARCH REFERENCES

ALR. - Liability of gas company for damage resulting from failure to inspect or supervise work of contractors digging near gas pipes, 71 ALR3d 1174.

25-9-10. Effect of chapter upon rights, titles, powers, or interests of facility owners or operators.

#### Statute text

This chapter does not affect and is not intended to affect any right, title, power, or interest which any facility owner or operator may have with rel

#### History

(Ga. L. 1969, p. 50, § 8; Code 1981, § 25-9-9; Ga. L. 1986, p. 1069, § 1; Ga. L. 1990, p. 805, § 1; Ga. L. 2000, p. 780, § 1.)

#### Annotations

Editor's notes. - This Code section formerly provided for the effect of this chapter on local and state government rights, duties, etc. as to facilities. Ga. L. 1986, p. 1069, § 1 in effect renumbered former Code Section 25-9-9 as this Code section.

#### RESEARCH REFERENCES

ALR. - Liability of gas company for injury or damage due to defects in service lines on consumer's premises, 26 ALR2d 136.

25-9-11. Effect of chapter upon rights, powers, etc., of state, counties, or municipalities concerning facilities located on public road or street right-of-way.

#### Statute text

This chapter does not affect and is not intended to affect any rights, powers, interest, or liability of the state or the Department of Transportation.

#### History

(Ga. L. 1978, p. 1659, § 4; Code 1981, § 25-9-10; Ga. L. 1986, p. 1069, § 1; Ga. L. 1990, p. 805, § 1; Ga. L. 2000, p. 780, § 1.)

#### Annotations

Editor's notes. - This Code section formerly provided for the applicability of this chapter in the event of an emergency. Ga. L. 1986, p. 1069, § 1 in effect renumbered former Code Section 25-9-10 as this Code section.

#### RESEARCH REFERENCES

Am. Jur. 2d. - 25 Am. Jur. 2d, Easements and Licenses, §§ 85, 90, 96.

C.J.S. - 28A C.J.S., Easements, §§ 209, 210.

25-9-12. Notice requirements for emergency evacuations.

#### Statute text

The notice requirements provided by Code Section 25-9-6 shall not be required of persons performing emergency excavations or excavation in extraordinary circumstances.

#### History

(Ga. L. 1970, p. 226, § 4; Code 1981, § 25-9-11; Ga. L. 1986, p. 1069, § 1; Ga. L. 1990, p. 805, § 1; Ga. L. 2000, p. 780, § 1; Ga. L. 2005, p. 1142, § 1.)

#### Annotations

The 2005 amendment, effective July 1, 2005, in the first sentence, inserted "that" following "provided, however," inserted "and sewer laterals" following "excavation."

Editor's notes. - This Code section formerly provided for penalties for violations of this Code section. Ga. L. 1986, p. 1069, § 1 in effect repealed former Code Section 25-9-11 as this Code section.

#### RESEARCH REFERENCES

Am. Jur. 2d. - 31A Am. Jur. 2d, Explosions and Explosives, § 3.

25-9-13. Penalties for violations of chapter; bonds; enforcement; advisory committee; dispose of settlement recommendations.

#### Statute text

(a) Any person who violates the requirements of Code Section 25-9-6 and whose subsequent excavating or blasting damages utility facilities or sewer lines shall be liable for the following:

- (1) All costs incurred by the facility owner or operator in repairing or replacing its damaged facilities; and
  - (2) Any injury or damage to persons or property resulting from damaging the utility facilities and sewer laterals.
- (b) Each local governing authority is authorized to require by ordinance any bonds on utility contractors or on persons performing excavation or blasting.
- (c) Any person who violates the requirements of Code Section 25-9-6 and whose subsequent excavating or blasting damages utility facilities or sewer lines shall be liable for the following:
- (d) In addition to the other provisions of this Code section, a professional licensing board shall be authorized to suspend or revoke any professional license of any person who violates the requirements of this Code section.
- (e) Subsections (a), (c), and (d) of this Code section shall not apply to any person who shall commence, perform, or engage in blasting or in excavation.
- (f) The commission shall enforce the provisions of this chapter. The commission may promulgate any rules and regulations necessary to implement the provisions of this chapter.
- (g) (1) The Governor shall appoint an advisory committee consisting of persons who are employees or officials of or who represent the interests of:
- (A) One member to represent the Georgia Department of Transportation;
  - (B) One member to represent water systems or water and sewer systems owned or operated by local governing authorities;
  - (C) One member to represent the utilities protection center;
  - (D) One member to represent water systems or water and sewer systems owned or operated by counties;
  - (E) One member to represent water systems or water and sewer systems owned or operated by municipalities;
  - (F) One member to represent the nonmunicipal electric industry;
  - (G) Three members to represent excavators;
  - (H) One member to represent locators;
  - (I) One member to represent the nonmunicipal telecommunications industry;
  - (J) One member to represent the nonmunicipal natural gas industry;
  - (K) One member to represent municipal gas, electric, or telecommunications providers; and
  - (L) The commission chairperson or such chairperson's designee.

The commission chairperson or his or her designee shall serve as chairperson of the advisory committee and shall cast a vote only in the case of a tie.

- (2) The advisory committee shall assist the commission in the enforcement of this chapter, make recommendations to the commission regarding rules and regulations, and report to the commission.
  - (3) The members of the advisory committee shall be immune, individually and jointly, from civil liability for any act or omission done or made in the performance of their duties.
- (h) (1) Commission enforcement of this chapter shall follow the procedures described in this subsection. Nothing in this subsection shall limit the authority of the commission.
- (2) (A) The commission is not authorized to impose civil penalties on any local governing authority except as provided in this paragraph. The commission shall not impose civil penalties on any local governing authority until January 1, 2006.
- (B) No later than January 1, 2006, the advisory committee shall recommend to the commission for adoption a tiered penalty structure for local governing authorities.
  - (3) If commission investigators find that a probable violation has occurred, they may recommend training in lieu of penalties to any person for any violation.
  - (4) Any respondent may accept or disagree with the settlement recommended by the investigators. If the respondent disagrees with the recommended settlement, the respondent may request a hearing.
  - (5) If any respondent disagrees with the recommendation of the advisory committee, after notice and hearing by a hearing officer or administrative law judge, the respondent may request a hearing.
  - (6) When the respondent agrees with the advisory committee recommendation, the investigators shall present such agreement to the commission. The commission shall then determine the appropriate penalty.
  - (7) The commission may, by judgment entered after a hearing on notice duly served on any person not less than 30 days before the date of the hearing, impose civil penalties on any person who violates the requirements of this Code section.
  - (i) All civil penalties ordered by the commission and collected pursuant to this Code section shall be deposited in the general fund of the state treasury.

#### History

(Code 1981, § 25-9-13, enacted by Ga. L. 1986, p. 1069, § 1; Ga. L. 1989, p. 495, § 1; Ga. L. 1990, p. 805, § 1; Ga. L. 2000, p. 780, § 1; Ga. L. 2000, p. 1142, § 1.)

#### Annotations

The 2005 amendment, effective July 1, 2005, rewrote this Code section.

Code Commission notes. - Pursuant to Code Section 28-9-5, in 2000, "facility owners" was substituted for "facility owner" in the first sentence in paragraph (a). Pursuant to Code Section 28-9-5, in 2005, "July 1, 2005" was substituted for "the effective date of this subsection" in the last sentence in paragraph (a).

Editor's notes. - See the editor's notes to Code Section 25-9-12.

#### RESEARCH REFERENCES

Am. Jur. 2d. - 36 Am. Jur. 2d, Forfeitures and Penalties, §§ 2, 8 et seq., 52 et seq.

C.J.S. - 70 C.J.S., Penalties, § 1 et seq.



Annotations

RESEARCH REFERENCES

Am. Jur. 2d. - 31A Am. Jur. 2d, Explosions and Explosives, § 1 et seq.

C.J.S. - 35 C.J.S., Explosives, § 2 et seq.

25-10-3.1. Storage of fireworks by licensed nonmanufacturers.

Statute text

- (a) Fireworks defined as Class B explosives or the equivalent thereof by regulations of the United States Department of Transportation set forth in P
- (b) Any application for a magazine license made pursuant to subsection (a) of this Code section shall be accompanied by plans for the magazine proposed
- (c) No license shall be issued pursuant to this Code section unless:
  - (1) The applicant currently holds a valid license or permit to receive explosive materials including Class B explosives or the equivalent thereof issued
  - (2) The applicant presents a copy of a valid permit for a public exhibition or display of fireworks issued pursuant to Code Section 25-10-4;
  - (3) The state fire marshal or the designee thereof has determined upon inspection that the constructed magazine meets or exceeds the requirements for
  - (4) The state fire marshal or the designee thereof has determined upon inspection that the constructed magazine meets or exceeds any additional requirements
- (d) Any license issued pursuant to this Code section shall be subject to the annual license fee and expiration date provisions of Code Section 25-10-
- (e) Any fireworks stored under any magazine license issued pursuant to this Code section shall be stored in an approved magazine and in accordance with
- (f) Any violation of the provisions of this Code section shall be grounds for revoking a magazine license.

History

(Code 1981, § 25-10-3.1, enacted by Ga. L. 1996, p. 945, § 3.)

25-10-3.2. License required for pyrotechnics exhibits; requirements; penalty for violations.

Statute text

- (a) No person, firm, corporation, association, or partnership shall cause the combustion, explosion, deflagration, or detonation of pyrotechnics for
- (b) All applicants must meet the following requirements for licensure:
  - (1) The applicant shall submit to the Safety Fire Commissioner proof of a valid comprehensive liability insurance policy purchased from an insurer authorized
  - (2) The applicant shall pay the required licensing fee as prescribed in Code Section 25-10-5; and
  - (3) The applicant shall comply with all rules and regulations promulgated by the Safety Fire Commissioner pursuant to this chapter.
- (c) Any violation of this chapter shall be grounds for revocation or denial of licensure to conduct pyrotechnic displays.

History

(Code 1981, § 25-10-3.2, enacted by Ga. L. 2003, p. 294, § 2.)

Annotations

Effective date. - This Code section became effective May 28, 2003.

Law reviews. - For note on the 2003 enactment of this section, see 20 Ga. St. U.L. Rev. 165 (2003).

25-10-4. Requirement of permit for conduct of fireworks display; application; imposition of conditions as to granting of permit; duration and transfer

Statute text

- (a) Any person, firm, corporation, association, or partnership desiring to conduct a public exhibition or display of fireworks not before a proximate
- (1) That the display be conducted by a competent operator approved by the judge;
- (2) That the display shall be of such character as in the opinion of the judge will not be hazardous to persons or property;
- (3) That the local fire official responsible for the area in question certifies in writing that the site for the display meets his or her approval and
- (4) That the application be accompanied by a bond in the principal sum of \$10,000.00, payable to the county in which the display is being held and conducted
- (b) Any person, firm, corporation, association, or partnership desiring to conduct a public exhibition or display of fireworks before a proximate audience
- (1) That the display be conducted by a competent operator approved by the judge;
- (2) That the display shall be of such character as in the opinion of the judge will not be hazardous to persons or property;
- (3) That the local fire official responsible for the area in question certifies in writing that the site for the display meets his or her approval and
- (4) That the application be accompanied by a bond in the principal sum of \$10,000.00, payable to the county in which the display is being held and conducted
- (c) No permit, as provided for in subsections (a) and (b) of this Code section, shall be granted unless the applicant has met all the requirements of
- (d) The permit provided for in subsection (a) or (b) of this Code section shall be limited to the time specified therein, such time not to exceed a time
- (e) The judge of the probate court shall receive \$10.00 for his or her services in granting or refusing the original permit and \$1.00 for each copy issued

History

(Ga. L. 1955, p. 550, §§ 3, 4; Ga. L. 1962, p. 11, § 3; Ga. L. 1994, p. 317, § 1; Ga. L. 1996, p. 945, § 4; Ga. L. 2003, p. 294, § 3.)

Annotations

The 2003 amendment, effective May 28, 2003, in subsection (a), inserted "not before a proximate audience" in the first sentence, inserted "public" twice

Code Commission notes. - Pursuant to Code Section 28-9-5, in 1995, in paragraph (a)(3), "Commissioner of Insurance" was substituted for "Insurance Commissioner"

Law reviews. - For note on the 2003 amendment to this section, see 20 Ga. St. U.L. Rev. 165 (2003).

JUDICIAL DECISIONS

Restricting manufacturing, selling, and use of fireworks not unconstitutional. - Ga. L. 1955, p. 550 (see O.C.G.A. § 25-10-4) restricting the manufacture

RESEARCH REFERENCES

Am. Jur. 2d. - 31A Am. Jur. 2d, Explosions and Explosives, §§ 1 et seq., 101 et seq. 51 Am. Jur. 2d, Licenses and Permits, §§ 63, 80 et seq.

C.J.S. - 35 C.J.S., Explosives, §§ 2, 3. 53 C.J.S., Licenses, § 37 et seq.

ALR. - Bond conditioned for payment of damages for injury to person or damage to property, given as condition of permission by public for fireworks displays

25-10-4.1. Employment of persons under age 18 in connection with fireworks storage or public displays.

Statute text

No person under the age of 18 shall be employed to work at any magazine, or at any facility containing a magazine, wherein fireworks are stored or to

History

(Code 1981, § 25-10-4.1, enacted by Ga. L. 1996, p. 945, § 5.)

25-10-5. License and fee for manufacture, storage, and transportation of fireworks or pyrotechnic displays; promulgation of safety regulations; conduct

Statute text

The annual license fee for any person, firm, or corporation conducting business in this state under paragraph (4) of Code Section 25-10-3 or storing fireworks

History

(Ga. L. 1969, p. 1144, § 2; Ga. L. 1986, p. 798, § 2; Ga. L. 1996, p. 945, § 6; Ga. L. 2003, p. 294, § 4.)

Annotations

The 2003 amendment, effective May 28, 2003, inserted "or conducting pyrotechnic displays under Code Section 25-10-3.2" in the middle of the first sentence

Law reviews. - For note on the 2003 amendment to this section, see 20 Ga. St. U.L. Rev. 165 (2003).

25-10-6. Fireworks manufactured, sold, or stored in violation of chapter declared contraband; seizure and disposition thereof.

Statute text

All fireworks manufactured, offered for sale, exposed for sale, or stored in violation of this chapter are declared to be contraband and may be seized

#### History

(Ga. L. 1955, p. 550, § 6; Ga. L. 1962, p. 11, § 5.)

#### Annotations

#### OPINIONS OF THE ATTORNEY GENERAL

Enforcement of fireworks regulations by Georgia State Patrol. - The Georgia State Patrol may seize fireworks which they find, declare them contraband,

#### RESEARCH REFERENCES

ALR. - Lawfulness of seizure of property used in violation of law as prerequisite to forfeiture action or proceeding, 8 ALR3d 473.

25-10-7. Applicability of provisions of chapter.

#### Statute text

This chapter shall not apply to the high explosives covered by Code Section 25-2-17 over which the Safety Fire Commissioner has regulatory control.

#### History

(Ga. L. 1955, p. 550, § 8; Ga. L. 1962, p. 11, § 8; Ga. L. 1982, p. 3, § 25.)

25-10-8. Penalty for violations of chapter.

#### Statute text

- (a) Any person, firm, corporation, association, or partnership that violates Code Section 25-10-3.2 shall be guilty of a felony and shall be punished
- (b) Any person, firm, corporation, association, or partnership that violates any other provision of this chapter shall be guilty of a misdemeanor.

#### History

(Ga. L. 1955, p. 550, § 7; Ga. L. 1962, p. 11, § 6; Ga. L. 2003, p. 294, § 5.)

#### Annotations

The 2003 amendment, effective May 28, 2003, added subsection (a); designated the existing provisions as subsection (b); and substituted "that violates Law reviews. - For note on the 2003 amendment to this section, see 20 Ga. St. U.L. Rev. 165 (2003).

25-10-9. Penalty for illegal sale of sparklers or other devices.

#### Statute text

Notwithstanding any provision of this chapter to the contrary, any person, firm, corporation, association, or partnership who or which knowingly viola

#### History

(Code 1981, § 25-10-9, enacted by Ga. L. 2005, p. 596, § 3/SB 133.)

#### Annotations

Effective date. - This Code section became effective May 2, 2005.

#### CHAPTER 11

#### FIRE PROTECTION SPRINKLER CONTRACTORS

#### Sec.

25-11-1. Short title.

25-11-2. Definitions.

25-11-3. Powers and duties of the Commissioner; delegation of authority.

25-11-4. Application to become certificate holder; certificate fee; demonstration of applicant's competence and knowledge; limitations on issuance of

25-11-5. Licensing of each location; application; fee; prerequisites.

25-11-6. Inspector's license.

25-11-7. Fire protection system designer license.

25-11-8. Requirement that installation, repair, or other work be performed or supervised by certificate holder.

25-11-9. Review of water-based fire protection shop drawings.

25-11-10. Preparation of water-based fire protection system documents for construction by designers.

25-11-11. Individuals authorized to inspect and maintain systems.

25-11-12. Rules and regulations; forms.

25-11-13. Valid license required for installation or repair of water-based fire protection sprinkler systems; proof of contractor's competency requir

25-11-14. Applicability to work performed for state or political subdivision; contract and bid requirements for such work.

25-11-15. Deposit of fees collected under chapter; authority to accept grants for administration of chapter.

25-11-16. Cease and desist order against violators; penalty for violations; order requiring compliance; revocation of certificate for failure to comp

25-11-17. Additional grounds for revocation or suspension of licenses.

25-11-18. Failure to renew certificate or license.

25-11-19. Systems exempt from chapter.

#### Annotations

#### RESEARCH REFERENCES

Negligent Failure to Install or Maintain Smoke Alarm or Sprinkler System, 5 POF3d 383.

ALR. - Liability of person furnishing, installing, or servicing burglary or fire alarm system for burglary or fire loss, 37 ALR4th 47.

25-11-1. Short title.

#### Statute text

This chapter shall be known and may be cited as the "Georgia Fire Sprinkler Act."

#### History

(Code 1981, § 25-11-1, enacted by Ga. L. 1982, p. 1212, § 1; Ga. L. 1997, p. 1698, § 1; Ga. L. 1998, p. 128, § 25.)

25-11-2. Definitions.

#### Statute text

As used in this chapter, the term:

- (1) "Certificate" or "certificate of competency" means the document issued by the Commissioner to a certificate holder who has demonstrated adequate t
- (2) "Certificate holder" means an individual who has been issued a certificate of competency by the Commissioner.
- (3) "Commissioner" means the Georgia Safety Fire Commissioner.
- (4) "Fire protection sprinkler contractor" means an individual, partnership, corporation, association, or joint venture that supervises, performs, or
- (5) "Fire protection sprinkler contractor license" means the document issued by the Commissioner to the fire protection sprinkler contractor which aut
- (6) "Fire protection sprinkler system" means an integrated system of overhead and underground piping designed in accordance with fire protection engin
- (7) "Fire protection system designer" means a person who develops documents pertaining to water-based fire protection systems.
- (8) "Fire protection system designer license" means a document issued by the Commissioner which authorizes the fire protection system designer to enga
- (9) "Fire protection system inspector" means an individual who performs inspections only on water-based fire protection systems in accordance with app
- (10) "Fire protection system inspector's license" means a document issued by the Commissioner which authorizes the fire protection system inspector to
- (11) "Fire pump" means a pump supplying water at the flow and pressure required by water-based fire protection systems.
- (12) "Foam-water spray system" means a special system pipe connected to a source of foam concentrate and to a water supply and equipped with foam-wate

- (13) "Foam-water sprinkler system" means a special system pipe connected to a source of foam concentrates and to a water supply and equipped with appropriate fittings and valves.
- (14) "Inspection" means a visual examination of a water-based fire protection system or portion thereof to verify that it appears to be in operating condition.
- (15) "Maintenance" means work performed to keep equipment operable or to make repairs without altering the operation of the water-based system.
- (16) "Private fire service main" means that pipe and its appurtenances on private property that are:
- (A) Between a source of water and the base of the system riser for water-based fire protection systems;
  - (B) Between a source of water and inlets to foam-making systems;
  - (C) Between a source of water and the base elbow of private hydrants or monitor nozzles;
  - (D) Used as fire pump suction and discharge piping outside of a building; and
  - (E) Beginning at the inlet side of the check valve on a gravity or pressure tank.
- (17) "Private water tank" means a tank supplying water for water-based fire protection systems which is located on private property.
- (18) "Standpipe system" means an arrangement of piping, valves, hose connections, and allied equipment installed in a building or structure with the intent to provide water for fire protection.
- (19) "Testing" means a procedure to determine the status of a system as intended by conducting periodic physical checks on water-based fire protection systems.
- (20) "Water-based fire protection system" means any one system or any combination of a number of systems designed to deliver water to an apparatus designed to extinguish fires.
- (21) "Water-spray fixed system" means a special fixed pipe system connected to a reliable fire protection water supply and equipped with water-spray nozzles.

#### History

(Code 1981, § 25-11-2, enacted by Ga. L. 1982, p. 1212, § 1; Ga. L. 1989, p. 1124, § 1; Ga. L. 1997, p. 1698, § 1.)

25-11-3. Powers and duties of the Commissioner; delegation of authority.

#### Statute text

- (a) The Commissioner is charged with the duty and responsibility for the enforcement of this chapter.
- (b) Any authority, power, or duty vested in the Commissioner by any provision of this chapter may be exercised, discharged, or performed by any deputy commissioner.
- (c) The Commissioner may, at his or her discretion, have the competency and license test prepared by others.
- (d) The Commissioner is authorized to enter into a reciprocal agreement with the state fire commissioner or state fire marshal of other states for the purpose of recognizing the laws of the other jurisdiction are substantially similar to this chapter; and
- (2) The applicant has no place of business within this state nor is an officer, director, stockholder, or partner in any corporation or partnership doing business in this state.

#### History

(Code 1981, § 25-11-3, enacted by Ga. L. 1982, p. 1212, § 1; Ga. L. 1984, p. 824, § 1; Ga. L. 1997, p. 1698, § 1.)

#### Annotations

Code Commission notes. - Pursuant to Code Section 28-9-5, in 1997, "state fire commissioner" was substituted for "State Fire Commissioner" in the introductory text of this section.

25-11-4. Application to become certificate holder; certificate fee; demonstration of applicant's competence and knowledge; limitations on issuance of certificate.

#### Statute text

- (a) Any individual desiring to become a certificate holder shall submit to the Commissioner a completed application on forms prescribed by the Commissioner.
- (b) Prior to obtaining a certificate, the applicant shall demonstrate his or her competence and knowledge of water-based fire protection systems by:
- (1) Successfully completing a competency test by means prescribed by rules and regulations as adopted and promulgated by the Commissioner; or
  - (2) Submitting to the Commissioner a certification from either the state fire commissioner or state fire marshal of another jurisdiction whenever a reciprocal agreement has been entered into with that jurisdiction.
- (c) (1) If the applicant has paid the required fees and has met one of the requirements of subsection (b) of this Code section, the Commissioner shall issue a certificate to the applicant.
- (2) In no case shall a certificate holder be allowed to obtain a certificate of competency for more than one fire protection sprinkler contractor or monitor contractor.
- (d) A certificate holder desiring to renew his or her certificate shall submit a renewal application to the Commissioner and remit therewith a renewal fee.

#### History

(Code 1981, § 25-11-4, enacted by Ga. L. 1982, p. 1212, § 1; Ga. L. 1984, p. 824, § 2; Ga. L. 1989, p. 1124, § 2; Ga. L. 1997, p. 1698, § 1.)

#### Annotations

Code Commission notes. - Pursuant to Code Section 28-9-5, in 1997, "state fire commissioner" was substituted for "state fire Commissioner" in paragraph (a) of this section.

25-11-5. Licensing of each location; application; fee; prerequisites.

#### Statute text

- (a) Where a fire protection sprinkler contractor has multiple office locations for the purpose of design, installation, repair, alteration, addition, or maintenance, the contractor shall submit to the Commissioner a completed application for each location.
- (b) Any organization or individual desiring to become a fire protection sprinkler contractor shall submit to the Commissioner a completed application for each location.
- (c) Prior to obtaining a sprinkler contractor's license, the applicant shall:
- (1) Submit to the Commissioner a copy of any and all certificate of competency holders' certificates employed by the applicant; and
  - (2) Submit to the Commissioner proof of comprehensive liability insurance coverage. The liability insurance policy shall provide coverage in an amount not less than \$1,000,000.
- (d) A fire protection sprinkler contractor license shall expire annually as determined by the rules and regulations. A license holder desiring to renew his or her license shall submit a renewal application to the Commissioner and remit therewith a renewal fee.

#### History

(Code 1981, § 25-11-5, enacted by Ga. L. 1997, p. 1698, § 1.)

#### Annotations

Editor's notes. - Ga. L. 1997, p. 1698, § 1, effective July 1, 1997, renumbered former Code Section 25-11-5 as present Code Section 25-11-8.

25-11-6. Inspector's license.

#### Statute text

- (a) Any individual desiring to become a fire protection sprinkler system inspector shall submit to the Commissioner a completed application on the form prescribed by the Commissioner.
- (b) Prior to obtaining a license, the applicant shall demonstrate his or her competence and employment by a sprinkler contractor by:
- (1) Successfully completing a competency test by means prescribed by rules and regulations as adopted and promulgated by the Commissioner; and
  - (2) Submitting to the Commissioner proof of employment by a sprinkler contractor who has comprehensive liability insurance coverage. The liability insurance policy shall provide coverage in an amount not less than \$1,000,000.
- (c) A fire protection sprinkler system inspector license shall expire annually as determined by the rules and regulations. A license holder desiring to renew his or her license shall submit a renewal application to the Commissioner and remit therewith a renewal fee.

#### History

(Code 1981, § 25-11-6, enacted by Ga. L. 1997, p. 1698, § 1.)

#### Annotations

Editor's notes. - Ga. L. 1997, p. 1698, § 1, effective July 1, 1997, renumbered former Code Section 25-11-6 as present Code Section 25-11-12.

25-11-7. Fire protection system designer license.

#### Statute text

- (a) Any individual desiring to become a fire protection system designer shall submit to the Commissioner a completed application on forms prescribed by the Commissioner.
- (b) Prior to obtaining a license, the applicant shall demonstrate his or her competence and knowledge of water-based fire protection systems by means prescribed by the Commissioner.
- (c) A fire protection system designer license shall expire annually as determined by the rules and regulations. A license holder desiring to renew his or her license shall submit a renewal application to the Commissioner and remit therewith a renewal fee.

#### History

(Code 1981, § 25-11-7, enacted by Ga. L. 1997, p. 1698, § 1; Ga. L. 1998, p. 128, § 25.)

#### Annotations

Editor's notes. - Ga. L. 1997, p. 1698, § 1, effective July 1, 1997, renumbered former Code Section 25-11-7 as present Code Section 25-11-13.

25-11-8. Requirement that installation, repair, or other work be performed or supervised by certificate holder.

#### Statute text

- (a) No person shall act as a fire protection sprinkler contractor unless a certificate holder is employed full time, in office or on site or combination thereof.
- (b) If the only certificate holder employed by a fire protection sprinkler contractor leaves the employment of the fire protection contractor, the contractor shall not perform any work until a new certificate holder is employed.
- (c) No fire protection sprinkler contractor shall permit any person under his or her employment or control to install, repair, alter, maintain, or in any way tamper with any fire protection system.
- (d) Only fire protection sprinkler contractors or certificate of competency holders shall alter or renovate water-based fire protection systems except as provided in this section.
- (e) Individuals employed by the building owner or a representative of the building owner may repair leaks, replace broken fittings, or perform other minor maintenance.
- (f) Installations shall conform to codes as adopted by the Commissioner unless otherwise permitted by this chapter or the rules and regulations promulgated by the Commissioner.

(g) It shall be unlawful for any person to begin installation of a fire sprinkler system on any proposed or existing building or structure which come

History

(Code 1981, § 25-11-5, enacted by Ga. L. 1982, p. 1212, § 1; Code 1981, § 25-11-8, as redesignated by Ga. L. 1997, p. 1698, § 1.)

Annotations

Editor's notes. - Ga. L. 1997, p. 1698, § 1, effective July 1, 1997, renumbered former Code Section 25-11-8 as present Code Section 25-11-14.

25-11-9. Review of water-based fire protection shop drawings.

Statute text

- (a) Water-based fire protection shop drawings shall be reviewed for code compliance with the state minimum standards by a certificate of competency holder
- (b) The reviewing certificate holder's signature, printed name, and certificate number indicating such compliance shall be indicated on submitted plans
- (c) Noncode compliance dictated by bid documents shall be reported by means prescribed by the rules and regulations promulgated pursuant to this chapter

History

(Code 1981, § 25-11-9, enacted by Ga. L. 1997, p. 1698, § 1.)

Annotations

Editor's notes. - Ga. L. 1997, p. 1698, § 1, effective July 1, 1997, renumbered former Code Section 25-11-9 as present Code Section 25-11-15.

25-11-10. Preparation of water-based fire protection system documents for construction by designers.

Statute text

- (a) Only licensed fire protection system designers or other designers under their direct supervision shall prepare water-based fire protection system documents
- (b) All documents shall be representative of code-complying water-based fire protection systems unless otherwise permitted by the rules and regulations
- (c) The licensed fire protection system designer's signature, printed name, and license number shall be indicated on the shop drawings.

History

(Code 1981, § 25-11-10, enacted by Ga. L. 1997, p. 1698, § 1.)

Annotations

Editor's notes. - Ga. L. 1997, p. 1698, § 1, effective July 1, 1997, renumbered former Code Section 25-11-10 as present Code Section 25-11-16.

25-11-11. Individuals authorized to inspect and maintain systems.

Statute text

- (a) Inspections, maintenance, and testing required by this chapter shall only be performed by licensed fire protection system inspectors, certificate holders
- (b) Duly authorized manufacturers' representatives while acting in their official capacities are exempt from this chapter.
- (c) Inspections and maintenance of water-based fire protection systems owned by a firm, business, or corporation and installed on property under contract

History

(Code 1981, § 25-11-11, enacted by Ga. L. 1997, p. 1698, § 1.)

Annotations

Editor's notes. - Ga. L. 1997, p. 1698, § 1, effective July 1, 1997, renumbered former Code Section 25-11-11 as present Code Section 25-11-19.

25-11-12. Rules and regulations; forms.

Statute text

The Commissioner may promulgate such rules and regulations as he or she deems necessary to carry out the provisions of this chapter. The Commissioner

History

(Code 1981, § 25-11-6, enacted by Ga. L. 1982, p. 1212, § 1; Code 1981, § 25-11-12, as redesignated by Ga. L. 1997, p. 1698, § 1.)

25-11-13. Valid license required for installation or repair of water-based fire protection sprinkler systems; proof of contractor's competency required

Statute text

- (a) The installation or repair of any underground facilities or piping which connects to and furnishes water for the water-based fire protection system
- (b) Evidence of inspection shall be given to the owner or his or her representative in the form of a letter indicating the inspector or certificate holder
- (c) Before any local building official shall issue any license or building permit which authorizes the construction of any building or structure containing
- (d) Nothing in this chapter limits the power of a municipality, county, or the state to require the submission and approval of plans and specifications

History

(Code 1981, § 25-11-7, enacted by Ga. L. 1982, p. 1212, § 1; Ga. L. 1991, p. 1317, § 1; Code 1981, § 25-11-13, as redesignated by Ga. L. 1997, p. 1698

25-11-14. Applicability to work performed for state or political subdivision; contract and bid requirements for such work.

Statute text

This chapter shall also apply to any fire protection sprinkler contractor performing work for the state or any municipality, county, or other political

History

(Code 1981, § 25-11-8, enacted by Ga. L. 1982, p. 1212, § 1; Code 1981, § 25-11-14, as redesignated by Ga. L. 1997, p. 1698, § 1.)

25-11-15. Deposit of fees collected under chapter; authority to accept grants for administration of chapter.

Statute text

- (a) All fees collected pursuant to the provisions of this chapter shall be deposited with the Fiscal Division of the Department of Administrative Services
- (b) The Commissioner shall be authorized to receive grants for the administration of this chapter from parties interested in upgrading and improving

History

(Code 1981, § 25-11-9, enacted by Ga. L. 1982, p. 1212, § 1; Ga. L. 1993, p. 1402, § 18; Code 1981, § 25-11-15, as redesignated by Ga. L. 1997, p. 1698

25-11-16. Cease and desist order against violators; penalty for violations; order requiring compliance; revocation of certificate for failure to comply

Statute text

- (a) Whenever the Commissioner shall have reason to believe that any individual is or has been violating any provisions of this chapter, the Commissioner
- (b) Violation of any provision of this chapter or failure to comply with a cease and desist order is cause for revocation of any or all certificates
- (c) Any person who violates this chapter or any rule, regulation, or order issued by the Commissioner under this chapter shall be subject to a civil
- (d) Any order shall contain or be accompanied by a notice of opportunity for hearing which may provide that a hearing will be held if and only if a party

History

(Code 1981, § 25-11-10, enacted by Ga. L. 1982, p. 1212, § 1; Ga. L. 1989, p. 1124, § 2; Code 1981, § 25-11-16, as redesignated by Ga. L. 1997, p. 1698

Annotations

Editor's notes. - Ga. L. 2000, p. 1589, § 16, not codified by the General Assembly, provides that the amendment to subsection (d) is applicable with

OPINIONS OF THE ATTORNEY GENERAL

Fingerprinting of offenders. - The offense covered by O.C.G.A. § 25-11-16(d) is not currently designated as an offense requiring fingerprinting. 1997

25-11-17. Additional grounds for revocation or suspension of licenses.

Statute text

In addition to the grounds set forth in Code Section 25-11-16, it is cause for revocation or suspension of certificates or licenses by the Commission

- (1) Rendered inoperative a water-based fire protection system covered by this chapter, except during a reasonable time during which the system is being
- (2) Falsified any record required to be maintained by this chapter or rules or regulations adopted pursuant to this chapter or current fire codes
- (3) Improperly installed, repaired, serviced, modified, altered, inspected, or tested a water-based fire protection system;
- (4) While holding a certificate or license, allowed another person to use the certificate or license or certificate number or license number other than
- (5) While holding a certificate or license, used a certificate or license or certificate number or license number other than his or her own valid certificate
- (6) Used credentials, methods, means, or practices to impersonate a representative of the Commissioner or the state fire marshal or any local fire chief
- (7) Failed to maintain the minimum insurance coverage as set forth in this chapter; or
- (8) Failed to maintain the minimum requirements to obtain a certificate of competency or other licenses.

History

(Code 1981, § 25-11-17, enacted by Ga. L. 1997, p. 1698, § 1.)

25-11-18. Failure to renew certificate or license.

Statute text

The failure to renew a certificate or license by the expiration date as set forth in this chapter will cause the certificate or license to become inoperative

History

(Code 1981, § 25-11-18, enacted by Ga. L. 1997, p. 1698, § 1.)

25-11-19. Systems exempt from chapter.

Statute text

The provisions of this chapter shall not apply to water-based automatic sprinkler systems for use in single-family dwellings or limited water-based systems

History

(Code 1981, § 25-11-11, enacted by Ga. L. 1982, p. 1212, § 1; Code 1981, § 25-11-19, as redesignated by Ga. L. 1997, p. 1698, § 1.)

CHAPTER 12

REGULATION OF FIRE EXTINGUISHERS AND SUPPRESSION SYSTEMS

Sec.

- 25-12-1. Compliance with chapter; license requirement.
  - 25-12-2. Definitions.
  - 25-12-3. Installation, inspection, servicing, or testing of fire suppression systems.
  - 25-12-4. Installation, inspection, servicing, or testing of portable fire extinguishers.
  - 25-12-5. Visual inspection of preengineered fire suppression systems or portable fire extinguishers by fire chiefs, fire marshals, or fire inspectors
  - 25-12-6. Visual inspection of self-owned fire suppression systems or portable fire extinguishers; fees not applicable to employees of local government
  - 25-12-7. License and fee required for firm installing, inspecting, servicing, or testing fire suppression systems or portable fire extinguishers.
  - 25-12-8. Permit and fee required for individual installing, inspecting, servicing, or testing; exemption.
  - 25-12-9. Period of licenses and permits; failure to renew.
  - 25-12-10. Forms of licenses, permits, and applications; information required.
  - 25-12-11. Requirement for issuance of license.
  - 25-12-12. Requirement for issuance of permit.
  - 25-12-13. Amended licenses or permits.
  - 25-12-14. Production of license or permit on demand.
  - 25-12-15. Rules and regulations for standards of fire suppression systems and fire extinguishers.
  - 25-12-16. Specifications for service tags to be attached to fire extinguishers and fire suppression systems.
  - 25-12-17. Violation of chapter by licensee or permittee.
  - 25-12-18. Cease and desist orders; period of revocation; civil penalty; opportunity for hearing.
  - 25-12-19. Penalty for violation of chapter.
  - 25-12-20. Delegation of authority by the Commissioner.
  - 25-12-21. Fees collected; grants and gifts.
  - 25-12-22. Power of municipality, county, or state to regulate not limited.
- 25-12-1. Compliance with chapter; license requirement.

Statute text

It is unlawful for any firm to engage in the business of installing, inspecting, recharging, repairing, servicing, or testing of portable fire extinguishers

History

(Code 1981, § 25-12-1, enacted by Ga. L. 1991, p. 933, § 1; Ga. L. 1997, p. 558, § 1.)

Annotations

OPINIONS OF THE ATTORNEY GENERAL

For an update of crimes and offenses for which the Georgia Crime Information Center is authorized to collect and file identifying data, see 1991 Op. A

RESEARCH REFERENCES

Am. Jur. 2d. - 35A Am. Jur. 2d, Fires, § 32 et seq.

25-12-2. Definitions.

Statute text

As used in this chapter, the term:

- (1) "Commissioner" means the Safety Fire Commissioner.
- (2) "Engineered fire suppression system" means any fire suppression system having pipe lengths, number of fittings, number and types of nozzles, suppression
- (3) "Fire suppression system" means any fire-fighting system employing a suppression agent with the purpose of controlling, suppressing, or extinguishing
- (4) "Firm" means any business, person, partnership, organization, association, corporation, contractor, subcontractor, or individual.
- (5) "License" means the document issued by the Commissioner which authorizes a firm to engage in the business of installation, repair, alteration, recharging
- (6) "Permit" means the document issued by the Commissioner which authorizes an individual to install, inspect, repair, recharge, service, or test fire
- (7) "Portable fire extinguisher" means a portable device containing an extinguishing agent that can be expelled under pressure for the purpose of suppression
- (8) "Preengineered fire suppression system" means any system having predetermined flow rates, nozzle pressures, and quantities of an extinguishing agent

History

(Code 1981, § 25-12-2, enacted by Ga. L. 1991, p. 933, § 1; Ga. L. 1999, p. 656, § 1.)

25-12-3. Installation, inspection, servicing, or testing of fire suppression systems.

Statute text

All fire suppression systems required by the Commissioner's rules and regulations or by other state or local fire safety rules or regulations must be

History

(Code 1981, § 25-12-3, enacted by Ga. L. 1991, p. 933, § 1.)

25-12-4. Installation, inspection, servicing, or testing of portable fire extinguishers.

Statute text

All portable fire extinguishers required by the Commissioner's rules and regulations or by other state or local fire safety rules or regulations must

History

(Code 1981, § 25-12-4, enacted by Ga. L. 1991, p. 933, § 1.)

25-12-5. Visual inspection of preengineered fire suppression systems or portable fire extinguishers by fire chiefs, fire marshals, or fire inspectors.

Statute text

The provisions of this chapter do not apply to fire chiefs, fire marshals, fire inspectors, or insurance company inspectors with regard to the routine

History

(Code 1981, § 25-12-5, enacted by Ga. L. 1991, p. 933, § 1.)

25-12-6. Visual inspection of self-owned fire suppression systems or portable fire extinguishers; fees not applicable to employees of local government

Statute text

(a) The provisions of this chapter do not apply to any firm that engages only in the routine visual inspection of fire suppression systems or portabl  
(b) The fees required by this chapter shall not apply to employees of federal, state, or local governments or to members of legally organized fire de

History

(Code 1981, § 25-12-6, enacted by Ga. L. 1991, p. 933, § 1.)

25-12-7. License and fee required for firm installing, inspecting, servicing, or testing fire suppression systems or portable fire extinguishers.

Statute text

Each firm in the business of installing, altering, inspecting, repairing, recharging, servicing, maintaining, or testing fire suppression systems or i

History

(Code 1981, § 25-12-7, enacted by Ga. L. 1991, p. 933, § 1.)

25-12-8. Permit and fee required for individual installing, inspecting, servicing, or testing; exemption.

Statute text

Each individual actually performing the installing, inspecting, repairing, recharging, servicing, or testing activities must possess a valid and subsi

History

(Code 1981, § 25-12-8, enacted by Ga. L. 1991, p. 933, § 1; Ga. L. 1997, p. 558, § 2.)

25-12-9. Period of licenses and permits; failure to renew.

Statute text

The licenses and permits required by this chapter shall be issued by the Commissioner for each license year beginning January 1 and expiring the follo

History

(Code 1981, § 25-12-9, enacted by Ga. L. 1991, p. 933, § 1.)

25-12-10. Forms of licenses, permits, and applications; information required.

Statute text

The forms of such licenses and permits and applications and fees therefor shall be prescribed by the Commissioner by rule or regulation, subject to th

- (1) Each such application shall be sworn to by the applicant or, if a corporation, by an officer thereof;
- (2) Each application shall clearly state, in detail as set forth by the Commissioner, the type of activity or activities for which the applicant desir
- (3) An application for a permit shall include the name of the licensee employing such permittee, and the permit issued in pursuance of such applicatio
- (4) The license or permit issued by the Commissioner shall clearly state the activity or activities for which the firm or individual has been issued t

History

(Code 1981, § 25-12-10, enacted by Ga. L. 1991, p. 933, § 1.)

25-12-11. Requirement for issuance of license.

Statute text

A license may not be issued by the Commissioner until:

- (1) The applicant has submitted to the Commissioner evidence of registration as a Georgia corporation;
- (2) The Commissioner or a person designated by him has by inspection determined that the applicant possesses the equipment required for the activities
- (3) The applicant has submitted to the Commissioner proof of a valid comprehensive liability insurance policy purchased from an insurer authorized to
- (4) The applicant, when filing an application for an examination, pays a nonrefundable filing fee fixed by rule or regulation of the Commissioner.

History

(Code 1981, § 25-12-11, enacted by Ga. L. 1991, p. 933, § 1.)

25-12-12. Requirement for issuance of permit.

Statute text

No permit may be issued to a person for the first time by the Commissioner until the applicant has submitted a nonrefundable filing fee fixed by rule

History

(Code 1981, § 25-12-12, enacted by Ga. L. 1991, p. 933, § 1.)

Annotations

Code Commission notes. - Pursuant to Code Section 28-9-5, in 1991, the subsection (a) designation was deleted since there was no subsection (b).

25-12-13. Amended licenses or permits.

Statute text

- (a) Any firm or individual holding a valid license or permit desiring to perform an activity not covered by the current permit may submit an applicat
- (b) The provisions of this chapter relating to the requirements for obtaining a license or permit shall apply to applications for an amended license
- (c) The fees for an amended license or permit shall not apply if the new activity or activities are included in an application for a renewal of the a

History

(Code 1981, § 25-12-13, enacted by Ga. L. 1991, p. 933, § 1.)

25-12-14. Production of license or permit on demand.

Statute text

Every permittee must have a valid and subsisting permit upon his person at all times while engaging in the installing, inspection, recharging, repairi

History

(Code 1981, § 25-12-14, enacted by Ga. L. 1991, p. 933, § 1.)

25-12-15. Rules and regulations for standards of fire suppression systems and fire extinguishers.

Statute text

The Commissioner may adopt rules and regulations setting forth the proper installation, inspection, recharging, repairing, servicing, or testing of fi

History

(Code 1981, § 25-12-15, enacted by Ga. L. 1991, p. 933, § 1.)

25-12-16. Specifications for service tags to be attached to fire extinguishers and fire suppression systems.

Statute text

The Commissioner shall make and promulgate specifications as to the number, type, size, shape, color, and information and data contained thereon of se

History

(Code 1981, § 25-12-16, enacted by Ga. L. 1991, p. 933, § 1.)

25-12-17. Violation of chapter by licensee or permittee.

Statute text

(a) The violation of any provision of this chapter or any rule or regulation adopted and promulgated pursuant to this chapter or the failure or refus  
(b) The department shall not, so long as the revocation or suspension remains in effect, issue any new license or permit for the establishment of any  
(c) The Commissioner may deny, nonrenew, suspend, or revoke the license or permit of:

- (1) Any person, firm, business, or corporation whose license has been suspended or revoked under this chapter;
- (2) Any firm, business, or corporation if any officer, director, stockholder, owner, or person who has a direct or indirect interest in the firm, busi
- (3) Any person who is or has been an officer, director, stockholder, or owner of a firm, business, or corporation or who has or had a direct or indire
- (d) In addition to the grounds set forth in this Code section, it is cause for denial, nonrenewal, revocation, or suspension of a license or permit b
- (1) Rendered inoperative a portable fire extinguisher or preengineered or engineered fire suppression system covered by this chapter, except during su
- (2) Falsified any record required to be maintained by this chapter or rules or regulations adopted pursuant to this chapter or current fire codes enfo
- (3) Improperly installed, recharged, hydrottested, repaired, serviced, modified, altered, inspected, or tested a portable fire extinguisher or preengin
- (4) While holding a permit or license, allowed another person to use the permit or license or permit number or license number or used a license or per
- (5) Failed to provide proof of or failed to maintain the minimum comprehensive liability insurance coverage as set forth in paragraph (3) of Code Sect
- (6) Failed to obtain, retain, or maintain one or more of the qualifications for a license or permit required by this chapter;
- (7) Used credentials, methods, means, or practices to impersonate a representative of the Commissioner or the state fire marshal or any local fire chi
- (8) Installed, recharged, hydrottested, repaired, serviced, modified, altered, inspected, maintained, added to, or tested a portable fire extinguisher
- (9) Made a material misstatement or misrepresentation or committed a fraud in obtaining or attempting to obtain a license or permit; or
- (10) Failed to notify the Commissioner, in writing, within 30 days after a change of residence, principal business address, or name.
- (e) In addition, the Commissioner shall not issue a new license or permit if the Commissioner finds that the circumstance or circumstances for which

History

(Code 1981, § 25-12-17, enacted by Ga. L. 1991, p. 933, § 1; Ga. L. 2002, p. 592, § 1.)

Annotations

The 2002 amendment, effective July 1, 2002, designated the existing provisions as subsection (a); in subsection (a), in the first sentence, inserted "

Code Commission notes. - Pursuant to Code Section 28-9-5, in 2002, a comma was inserted following "revocation" in the first sentence in subsection (a)

25-12-18. Cease and desist orders; period of revocation; civil penalty; opportunity for hearing.

Statute text

- (a) Whenever the Commissioner shall have reason to believe that any individual is or has been violating any provisions of this chapter, the Commissio  
(b) Violation of any provision of this chapter or failure to comply with a cease and desist order is cause for revocation of any or all permits and l  
(c) Any person who violates this chapter or any rule, regulation, or order issued by the Commissioner under this chapter shall be subject to a civil  
(d) Any order shall contain or be accompanied by a notice of opportunity for hearing which may provide that a hearing will be held if and only if a p

History

(Code 1981, § 25-12-18, enacted by Ga. L. 1991, p. 933, § 1; Ga. L. 2002, p. 592, § 2; Ga. L. 2003, p. 140, § 25.)

Annotations

The 2002 amendment, effective July 1, 2002, rewrote this Code section.

The 2003 amendment, effective May 14, 2003, part of an Act to revise, modernize, and correct the Code, revised language in subsections (b) and (d).

25-12-19. Penalty for violation of chapter.

Statute text

- (a) Any person, firm, or corporation which violates any provision of this chapter or any order, rule, or regulation of the Commissioner shall be guil  
(b) It shall also constitute a misdemeanor willfully or intentionally to:
- (1) Obliterate the serial number on a fire suppression system or portable fire extinguisher for the purposes of falsifying service records;
  - (2) Improperly install a fire suppression system or improperly recharge, repair, service, or test any such suppression system or any such portable fir
  - (3) While holding a permit or license, allow another person to use the permit or license or permit number or license number or to use a license or per
  - (4) Use or permit the use of any license by an individual or organization other than the one to whom the license is issued;
  - (5) To use any credential, method, means, or practice to impersonate a representative of the Commissioner or the state fire marshal or any local fire
  - (6) To engage in the business of installing, inspecting, recharging, repairing, servicing, or testing portable fire extinguishers or fire suppression

History

(Code 1981, § 25-12-19, enacted by Ga. L. 1991, p. 933, § 1.)

25-12-20. Delegation of authority by the Commissioner.

Statute text

Any authority, power, or duty vested in the Commissioner by any provision of this chapter may be exercised, discharged, or performed by a deputy, assi

History

(Code 1981, § 25-12-20, enacted by Ga. L. 1991, p. 933, § 1.)

25-12-21. Fees collected; grants and gifts.

Statute text

- (a) All fees collected by the Commissioner for licenses, permits, and related examinations pursuant to the provisions of this chapter shall be deposi  
(b) The Commissioner is authorized to receive grants or gifts for the administration of this chapter from parties interested in upgrading and improvi

History

(Code 1981, § 25-12-21, enacted by Ga. L. 1991, p. 933, § 1.)

25-12-22. Power of municipality, county, or state to regulate not limited.

Statute text

- (a) Nothing in this chapter limits the power of a municipality, a county, or the state to require the submission and approval of plans and specificat  
(b) No municipality or county shall impose any other requirements on persons licensed or permitted by the Commissioner as set forth in this chapter t

History

(Code 1981, § 25-12-22, enacted by Ga. L. 1991, p. 933, § 1.)

CHAPTER 13  
MUNICIPAL, COUNTY, AND VOLUNTEER FIRE DEPARTMENTS NOMENCLATURE

Sec.

25-13-1. Short title.

25-13-2. Declaration of public policy.

25-13-3. Definitions.

25-13-4. Prohibition against use of nomenclature pertaining to particular fire department in connection with solicitation, advertisement, publication

25-13-5. Prohibition against use of symbols pertaining to particular fire department in connection with solicitation, advertisement, publication, or

25-13-6. Procedure for obtaining permission to use nomenclature or symbols; discretion of local governing body.

25-13-7. Injunctions against violations.

25-13-8. Civil penalties.

25-13-9. Actions for civil damages.

25-13-10. Criminal penalties.

25-13-1. Short title.

Statute text

This chapter shall be known and may be cited as the "Municipal, County, and Volunteer Fire Departments Nomenclature Act of 1996."

History

(Code 1981, § 25-13-1, enacted by Ga. L. 1996, p. 772, § 1.)

25-13-2. Declaration of public policy.

Statute text

It is declared to be contrary to the health, safety, and public welfare of the people of this state for any individual or organization to act in a man

History

(Code 1981, § 25-13-2, enacted by Ga. L. 1996, p. 772, § 1.)

25-13-3. Definitions.

Statute text

As used in this chapter, the term:

(1) "Badge" means any official badge used in the past or present by members of municipal, county, or volunteer fire departments.

(2) "Department" means any municipal, county, or volunteer fire department.

(3) "Director of public safety" means the director of public safety for any municipal, county, or volunteer fire department.

(4) "Emblem" means any official patch or other emblem worn currently or formerly or used by the department to identify the department or its employees

(5) "Fire chief" means the fire chief for any municipal, county, or volunteer fire department.

(6) "Fire department" means any fire department which is authorized to exercise the general and emergency powers enumerated in Code Sections 25-3-1 an

(7) "Local governing body" means, for a county, a county governing authority as defined in Code Section 1-3-3; for a municipal corporation, the govern

(8) "Person" means any person, corporation, organization, or political subdivision of this state.

(9) "Volunteer fire department" means a fire department which has been issued a certificate of compliance pursuant to Article 2 of Chapter 3 of this t

(10) "Willful violator" means any person who knowingly violates the provisions of this chapter. Any person who violates this chapter after being advis

History

(Code 1981, § 25-13-3, enacted by Ga. L. 1996, p. 772, § 1.)

25-13-4. Prohibition against use of nomenclature pertaining to particular fire department in connection with solicitation, advertisement, publication,

Statute text

Any person who uses words pertaining to a particular municipal, county, or volunteer fire department in connection with the planning, conduct, or exec

History

(Code 1981, § 25-13-4, enacted by Ga. L. 1996, p. 772, § 1.)

25-13-5. Prohibition against use of symbols pertaining to particular fire department in connection with solicitation, advertisement, publication, or p

Statute text

Any person who uses or displays any current or historical symbol, including any emblem, seal, or badge, used by the department in connection with the

History

(Code 1981, § 25-13-5, enacted by Ga. L. 1996, p. 772, § 1.)

25-13-6. Procedure for obtaining permission to use nomenclature or symbols; discretion of local governing body.

Statute text

Any person wishing permission to use the nomenclature or a symbol of a department may submit a written request for such permission to the fire chief o

History

(Code 1981, § 25-13-6, enacted by Ga. L. 1996, p. 772, § 1.)

Annotations

Code Commission notes. - Pursuant to Code Section 28-9-5, in 1996, "of" was substituted for "or" near the middle of the third sentence.

25-13-7. Injunctions against violations.

Statute text

Whenever there shall be an actual or threatened violation of Code Section 25-13-4 or 25-13-5, the local governing body shall have the right to apply t

History

(Code 1981, § 25-13-7, enacted by Ga. L. 1996, p. 772, § 1.)

25-13-8. Civil penalties.

Statute text

In addition to any other relief or sanction for a violation of Code Section 25-13-4 or 25-13-5 and where the violation is willful, the local governing

History

(Code 1981, § 25-13-8, enacted by Ga. L. 1996, p. 772, § 1.)

25-13-9. Actions for civil damages.

Statute text

Any person who has given money or any other item of value to another person due in part to such person's use of the nomenclature or symbol of a depart

History

(Code 1981, § 25-13-9, enacted by Ga. L. 1996, p. 772, § 1.)

25-13-10. Criminal penalties.

Statute text

Any person who violates the provisions of this chapter shall be guilty of a felony and upon conviction thereof shall be subject to a fine of not less

History

(Code 1981, § 25-13-10, enacted by Ga. L. 1996, p. 772, § 1.)

□

Sec.

- 25-14-1. (Effective January 1, 2010) Short title.
- 25-14-2. (Effective January 1, 2010) Definitions.
- 25-14-3. (Effective January 1, 2010) Standards for testing cigarettes; reports; exceptions.
- 25-14-4. (Effective January 1, 2010) Written certification.
- 25-14-5. (Effective January 1, 2010) Required marking of cigarettes.
- 25-14-6. (Effective January 1, 2010) Civil penalty; forfeiture.
- 25-14-7. (Effective January 1, 2010) Rules and regulations; inspections.
- 25-14-8. (Effective January 1, 2010) Enforcement of this chapter; cooperation during inspections.
- 25-14-9. (Effective January 1, 2010) Manufacturing for sale or selling cigarettes outside of Georgia not prohibited.
- 25-14-10. (Effective January 1, 2010) Effect of modification of federal standards.
- 25-14-11. (Effective January 1, 2010) Impact of changes in New York safety standards.

Annotations

Effective date. - This chapter becomes effective January 1, 2010.

Editor's notes. - Ga. L. 2008, p. 104, § 2, not codified by the General Assembly, provides: "This Act shall preempt and supersede and shall prohibit

25-14-1. (Effective January 1, 2010) Short title.

Statute text

This chapter shall be known and may be cited as the "Georgia Fire Safety Standard and Firefighter Protection Act."

History

(Code 1981, § 25-14-1, enacted by Ga. L. 2008, p. 104, § 1/SB 418.)

25-14-2. (Effective January 1, 2010) Definitions.

Statute text

As used in this chapter, the term:

- (1) "Agent" means any person authorized by the state revenue commissioner to purchase and affix stamps on packages of cigarettes.
- (2) "Cigarette" means:
  - (A) Any roll for smoking made wholly or in part of tobacco when the cover of the roll is paper or any substance other than tobacco; or
  - (B) Any roll for smoking wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its
- (3) "Commissioner" means the Safety Fire Commissioner.
- (4) "Manufacturer" means:
  - (A) Any entity which manufactures, makes, produces, or causes to be produced cigarettes sold in this state or cigarettes said entity intends to be sold
  - (B) The first purchaser of cigarettes manufactured anywhere that intends to resell such cigarettes in this state regardless of whether the original ma
  - (C) Any entity which becomes a successor of an entity described in subparagraph (A) or (B) of this paragraph.
- (4.1) "New York Fire Safety Standards for Cigarettes" means those New York Fire Safety Standards for Cigarettes in effect on April 1, 2008.
- (5) "Quality control and quality assurance program" means the laboratory procedures implemented to ensure that operator bias, systematic and nonsystem
- (6) "Repeatability" means the range of values within which the repeat results of cigarette test trials from a single laboratory will fall 95 percent o
- (7) "Retail dealer" means any person, other than a manufacturer or wholesale dealer, engaged in selling cigarettes or tobacco products.
- (8) "Sale" means any sale, transfer, exchange, theft, barter, gift, or offer for sale and distribution in any manner or by any means whatever.
- (9) "Sell" means to sell or to offer or agree to do the same.
- (10) "Wholesale dealer" means any person that is not a manufacturer who sells cigarettes or tobacco products to retail dealers or other persons for pu

History

(Code 1981, § 25-14-2, enacted by Ga. L. 2008, p. 104, § 1/SB 418.)

Annotations

Code Commission notes. - Pursuant to Code Section 28-9-5, in 2008, in paragraph (1), "state revenue commissioner" was substituted for "commissioner of

25-14-3. (Effective January 1, 2010) Standards for testing cigarettes; reports; exceptions.

Statute text

- (a) Except as provided in subsection (h) of this Code section, no cigarettes may be sold or offered for sale in this state or offered for sale or sol
- (b) (1) Testing of cigarettes shall be conducted in accordance with the American Society of Testing and Materials (ASTM) Standard E2187-04, "Standard
- (2) Testing shall be conducted on ten layers of filter paper.
- (3) No more than 25 percent of the cigarettes tested in a test trial in accordance with this Code section shall exhibit full-length burns. Forty repli
- (4) The performance standard required by this Code section shall only be applied to a complete test trial.
- (5) Written certifications shall be based upon testing conducted by a laboratory that has been accredited pursuant to standard ISO/IEC 17025 of the In
- (6) Laboratories conducting testing in accordance with this Code section shall implement a quality control and quality assurance program that includes
- (7) This Code section does not require additional testing if cigarettes are tested consistent with this chapter for any other purpose.
- (8) Testing performed or sponsored by the commissioner to determine a cigarette's compliance with the performance standard required shall be conducted
- (c) Each cigarette listed in a certification submitted pursuant to Code Section 25-14-4 that uses lowered permeability bands in the cigarette paper t
- (d) A manufacturer of a cigarette that the commissioner determines cannot be tested in accordance with the test method prescribed in paragraph (1) of
- (e) Each manufacturer shall maintain copies of the reports of all tests conducted on all cigarettes offered for sale for a period of three years, and
- (f) The commissioner may adopt a subsequent ASTM Standard Test Method for Measuring the Ignition Strength of Cigarettes upon a finding that such subs
- (g) The commissioner shall review the effectiveness of this Code section and report his or her findings every three years to the General Assembly and
- (h) The requirements of subsection (a) of this Code section shall not prohibit:
  - (1) Wholesale or retail dealers from selling their existing inventory of cigarettes on or after January 1, 2010, if the wholesale or retailer dealer c
  - (2) The sale of cigarettes solely for the purpose of consumer testing. For purposes of this paragraph, the term "consumer testing" shall mean an asses
- (i) This chapter shall be implemented in accordance with the implementation and substance of the New York Fire Safety Standards for Cigarettes.

History

(Code 1981, § 25-14-3, enacted by Ga. L. 2008, p. 104, § 1/SB 418.)

Annotations

Code Commission notes. - Pursuant to Code Section 28-9-5, in 2008, "paragraph" was substituted for "subsection" in the second sentence of paragraph (h

25-14-4. (Effective January 1, 2010) Written certification.

Statute text

- (a) Each manufacturer shall submit to the commissioner a written certification attesting that:
  - (1) Each cigarette listed in the certification has been tested in accordance with Code Section 25-14-3; and
  - (2) Each cigarette listed in the certification meets the performance standard set forth in paragraph (3) of subsection (b) of Code Section 25-14-3.
- (b) Each cigarette listed in the certification shall be described with the following information:
  - (1) Brand or trade name on the package;
  - (2) Style, such as light or ultra light;
  - (3) Length in millimeters;
  - (4) Circumference in millimeters;
  - (5) Flavor, such as menthol or chocolate, if applicable;
  - (6) Filter or nonfilter;
  - (7) Package description, such as soft pack or box;
  - (8) Marking approved in accordance with Code Section 25-14-5;
  - (9) The name, address, and telephone number of the laboratory, if different from the manufacturer that conducted the test; and
  - (10) The date that the testing occurred.
- (c) The certifications shall also be made available to the Attorney General for purposes consistent with this chapter and to the state revenue commis
- (d) Each cigarette certified under this Code section shall be recertified every three years.
- (e) For each cigarette listed in a certification, a manufacturer shall pay to the commissioner a fee of \$250.00.
- (f) If a manufacturer has certified a cigarette pursuant to this Code section and thereafter makes any change to such cigarette that is likely to alt

History

(Code 1981, § 25-14-4, enacted by Ga. L. 2008, p. 104, § 1/SB 418.)

Annotations

Code Commission notes. - Pursuant to Code Section 28-9-5, in 2008, "state revenue commissioner" was substituted for "commissioner of revenue" in subse

25-14-5. (Effective January 1, 2010) Required marking of cigarettes.

Statute text

- (a) Cigarettes that are certified by a manufacturer in accordance with Code Section 25-14-4 shall be marked to indicate compliance with the requireme
- (1) Modification of the universal product code to include a visible mark printed at or around the area of the universal product code. The mark may con
- (2) Any visible combination of alphanumeric or symbolic characters permanently stamped, engraved, or embossed upon the cigarette packaging or cellopha
- (3) Printed, stamped, engraved, or embossed text on the cigarette packaging or cellophane wrap that indicates that the cigarettes meet Georgia standar
- (b) A manufacturer shall use only one marking and shall apply this marking uniformly for all packages, including but not limited to packs, cartons, a
- (c) The commissioner shall be notified as to the marking that is selected.
- (d) Prior to the certification of any cigarette, a manufacturer shall present its proposed marking to the commissioner for approval. Upon receipt of
- (1) Any marking in use and approved for sale in New York pursuant to the New York Fire Safety Standards for Cigarettes; or
- (2) The letters "FSC," which signifies Fire Standards Compliant, appearing in eight-point type or larger and permanently printed, stamped, engraved, o

Proposed markings shall be deemed approved if the commissioner fails to act within ten business days of receiving a request for approval.

- (e) No manufacturer shall modify its approved marking unless the modification has been approved by the commissioner in accordance with this Code sect
- (f) Manufacturers certifying cigarettes in accordance with Code Section 25-14-4 shall provide a copy of the certifications to all wholesale dealers a

History

(Code 1981, § 25-14-5, enacted by Ga. L. 2008, p. 104, § 1/SB 418.)

Annotations

Code Commission notes. - Pursuant to Code Section 28-9-5, in 2008, "state revenue commissioner" was substituted for "commissioner of revenue" in the l

25-14-6. (Effective January 1, 2010) Civil penalty; forfeiture.

Statute text

- (a) A manufacturer, wholesale dealer, agent, or any other person or entity who knowingly sells or offers to sell cigarettes, other than through retai
- (b) A retail dealer who knowingly sells or offers to sell cigarettes in violation of Code Section 25-14-3 shall be subject to a civil penalty not to
- (c) In addition to any penalty prescribed by law, any corporation, partnership, sole proprietor, limited partnership, or association engaged in the m
- (d) Any person violating any other provision in this chapter shall be subject to a civil penalty for a first offense not to exceed \$1,000.00, and for
- (e) Any cigarettes that have been sold or offered for sale that do not comply with the performance standard required by Code Section 25-14-3 shall be
- (f) In addition to any other remedy provided by law, the commissioner or Attorney General may file an action in superior court for a violation of thi
- (g) Whenever any law enforcement personnel or duly authorized representative of the commissioner or Attorney General shall discover any cigarettes th

History

(Code 1981, § 25-14-6, enacted by Ga. L. 2008, p. 104, § 1/SB 418.)

Annotations

Code Commission notes. - Pursuant to Code Section 28-9-5, in 2008, in subsection (g), in the first sentence, "under" was inserted, and "are" was subs

25-14-7. (Effective January 1, 2010) Rules and regulations; inspections.

Statute text

- (a) The commissioner may promulgate rules and regulations, pursuant to Chapter 13 of Title 50, necessary to effectuate the purposes of this chapter.
- (b) The state revenue commissioner in the regular course of conducting inspections of wholesale dealers, agents, and retail dealers, as authorized un

History

(Code 1981, § 25-14-7, enacted by Ga. L. 2008, p. 104, § 1/SB 418.)

Annotations

Code Commission notes. - Pursuant to Code Section 28-9-5, in 2008, "state revenue commissioner" was substituted for "commissioner of revenue" twice in

25-14-8. (Effective January 1, 2010) Enforcement of this chapter; cooperation during inspections.

Statute text

To enforce the provisions of this chapter, the Attorney General and the commissioner, their duly authorized representatives, and other law enforcement

History

(Code 1981, § 25-14-8, enacted by Ga. L. 2008, p. 104, § 1/SB 418.)

25-14-9. (Effective January 1, 2010) Manufacturing for sale or selling cigarettes outside of Georgia not prohibited.

Statute text

Nothing in this chapter shall be construed to prohibit any person or entity from manufacturing or selling cigarettes that do not meet the requirements

History

(Code 1981, § 25-14-9, enacted by Ga. L. 2008, p. 104, § 1/SB 418.)

25-14-10. (Effective January 1, 2010) Effect of modification of federal standards.

Statute text

This chapter shall cease to be applicable if federal reduced cigarette ignition propensity standards that preempt this chapter are enacted.

History

(Code 1981, § 25-14-10, enacted by Ga. L. 2008, p. 104, § 1/SB 418.)

25-14-11. (Effective January 1, 2010) Impact of changes in New York safety standards.

Statute text

If, after the date specified in paragraph (4.1) of Code Section 25-14-2, the New York safety standards are changed, then the commissioner shall sugges

History

(Code 1981, § 25-14-11, enacted by Ga. L. 2008, p. 104, § 1/SB 418.)

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