

House Bill 194 (AS PASSED HOUSE AND SENATE)

By: Representatives Powell of the 171<sup>st</sup>, Willard of the 51<sup>st</sup>, Lindsey of the 54<sup>th</sup>, Allison of the 8<sup>th</sup>, and Jacobs of the 80<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 1 of Title 46 of the Official Code of Georgia Annotated, relating to  
2 general provisions regarding public utilities and public transportation, so as to provide venue  
3 for actions against gas companies; to provide for related matters; to provide for an effective  
4 date and for applicability; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Chapter 1 of Title 46 of the Official Code of Georgia Annotated, relating to general  
8 provisions regarding public utilities and public transportation, is amended by revising Code  
9 Section 46-1-2, relating to measure of damages for wrongs and injuries to railroad companies  
10 generally and venue for actions against railroad companies and electric companies generally,  
11 as follows:

12 "46-1-2.

13 (a) As used in this Code section, the term 'electric company' means all corporations  
14 engaged in the business of either generating or transmitting electricity for light, heat,  
15 power, or other commercial purposes.

16 (b) If any railroad company doing business in this state shall, in violation of any rule or  
17 regulation of the Public Service Commission, inflict any wrong or injury on any person,  
18 such person shall have a right of action and recovery for such wrong or injury in the county  
19 where the wrong or injury occurred and the damages which may be recovered in such  
20 actions shall be the same as in actions between individuals, provided that, in cases of  
21 willful violation of law, such railroad companies shall be liable for exemplary damages.  
22 All such actions under this ~~title~~ subsection must be brought within 12 months after the  
23 commission of the alleged wrong or injury.

24 (c) Any railroad, ~~or electric company, or gas company~~ shall be sued by anyone whose  
25 person or property has been injured by such railroad, ~~or electric company, or gas company,~~

26 or by its officers, agents, or employees, for the purpose of recovering damages for such  
 27 injuries, in the county in which the cause of action originated; and causes of actions on all  
 28 contracts shall be brought in the county in which the contract in question is made or is to  
 29 be performed. If the cause of action arises in a county where the railroad, ~~or~~ electric  
 30 company, or gas company liable to suit has no agent, service may be perfected by the  
 31 issuance of a second original, to be served upon the company in the county of its principal  
 32 office and place of business, if in this state, and if not, on any agent of such company. In  
 33 the alternative, if the company has no agent in the county where the cause of action arises,  
 34 an action may be brought in the county of the residence of such company.

35 (d) Whenever any:

36 (1) railroad Railroad or electric company incorporated under the laws of this state  
 37 acquires by purchase, lease, or otherwise the ownership or control of the line of railroad  
 38 of a competing railroad company in this state, in violation of Article III, Section VI,  
 39 Paragraph V(c) of the Constitution of the State of Georgia; ~~or whenever any railroad~~

40 (2) Railroad or electric company incorporated under the laws of this state acquires by  
 41 purchase, lease, or otherwise the ownership or control of the generating plant or  
 42 transmission line of a competing electric company in this state, in violation of Article III,  
 43 Section VI, Paragraph V(c) of the Constitution of the State of Georgia; or

44 (3) Gas company incorporated under the laws of this state acquires by purchase, lease,  
 45 or otherwise the ownership or control of the natural gas pipeline or distribution system  
 46 of a competing gas company in this state, in violation of Article III, Section VI,  
 47 Paragraph V(c) of the Constitution of the State of Georgia;

48 the venue of an action brought against the railroad, ~~or~~ electric company, or gas company for  
 49 the purpose of setting aside and having annulled such unlawful act of acquisition shall be in  
 50 any county through which may run the line of railroad or in any county through which may  
 51 run the transmission line of such electric company or in any county in which may be located  
 52 the generating plant of such electric company or in any county through which may run the  
 53 natural gas pipeline or distribution system so unlawfully acquired.

54 (e) In any cause of action described in this Code section, any judgment rendered in any  
 55 county other than one designated in this Code section shall be void.

56 (f) ~~The following electric companies shall be embraced within the venue provisions of this~~  
 57 ~~Code section shall apply to the following electric companies:~~

58 (1) An electric company owning a generating plant in one county and having its situs or  
 59 principal office either in some other county of this state or beyond the limits of this state;

60 (2) An electric company operating a generating plant, whether under lease or otherwise,  
 61 in one county and having its situs or principal office either in some other county of this  
 62 state or beyond the limits of this state;

63 (3) An electric company owning a transmission line located in one county and having  
64 its situs or principal office in some other county of this state or beyond the limits of this  
65 state;

66 (4) An electric company operating, whether under lease or otherwise, a transmission line  
67 located in one county and having its situs or principal office in some other county of this  
68 state or beyond the limits of this state;

69 (5) An electric company owning a transmission line located in, or extending through,  
70 more than one county; and

71 (6) An electric company operating, whether under lease or otherwise, a transmission line  
72 located in or extending through more than one county.

73 (g) The venue provisions of this Code section shall apply to the following gas companies:

74 (1) A gas company owning a natural gas pipeline or distribution system located in one  
75 county and having its situs or principal office in some other county of this state or beyond  
76 the limits of this state; and

77 (2) A gas company owning a natural gas pipeline or distribution system located in, or  
78 extending through, more than one county."

79 **SECTION 2.**

80 This Act shall become effective upon its approval by the Governor or upon its becoming law  
81 without such approval and shall apply to causes of actions arising on or after such effective  
82 date.

83 **SECTION 3.**

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