

# Upcoming Changes to Georgia's Laws Impacting the Construction Industry

Article By:

Jake Carroll

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Georgia Governor Brian Kemp recently signed a series of bills impacting the state's construction industry, including updated measures to the general contractor and professional land surveyor licensing laws, as well as Georgia's Public Employee Hazardous Chemical Protection and Right to Know Act. The notable changes outlined below will go into effect on July 1.

## Construction Contractor Licensing Changes:

Senate Bill 503 was signed into law on May 6, revising Georgia's contractor licensing statutes to reflect current practices in the construction industry. Among the most important changes, the legislation:

- Renames the defined term "general contractor" to "commercial general contractor" throughout chapter 41 of title 43, and the name of the board: "the State Licensing Board for Residential and Commercial General Contractors." O.C.G.A. § 43-41-2.
- Increases the time for a business organization to find and appoint a replacement qualifying agent to 180 days, from the original 120 days. This revision applies to all categories of residential and commercial general contractors. O.C.G.A. § 43-41-9(e)(1).
- Provides that when a business organization has lost or terminates its qualifying agent, but is acting under the statutory timeframe to find a new qualifying agent or under a temporary nonrenewable license, the business organization is required to have its financially responsible officer or executive assume all responsibilities of the agent, and provide a sworn statement to that effect. A building inspector may not issue a building permit unless the applicant has provided this affidavit. There was no language in the prior version that authorized a building inspector to issue a building permit to a contractor that was in the process of hiring a replacement qualifying agent. O.C.G.A. § 43-41-14(a)(2).
- Clarifies that an applicant for a residential-basic contractor license is required to show that they are qualified as to financial responsibility. O.C.G.A. § 43-41-6(e)(1)-(2).
- Increases the minimum monetary penalty for violating Georgia's licensing laws to \$1000 (previously \$500). O.C.G.A. § 43-41-12(a).
- Removes certain exceptions to the general requirement that all applicants must pass the contractor licensing exam. O.C.G.A. § 43-41-8(a).

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## Professional Land Surveyor Licensing Changes:

Senate Bill 195 was signed on May 2 as Act 555, representing the state's effort to reverse the declining number of land surveyors in Georgia by providing a more efficient path to licensure:

- Applicants may now take the (i) fundamentals of surveying exam, (ii) principles and practices of land surveying exam, and (iii) laws and history of land surveying in Georgia exam, immediately upon passing the required 18 semester hours in land surveying subjects. The exams must be taken in the order listed above. Previously, the tests were administered only after applicants obtained the requisite experience, possibly years after the academic material was studied.
- Applicants may now choose from three experience tracks for licensure, each based on the applicant's level of education, and with a slight reduction to the length of experience required:
  - High school diploma and eight years of acceptable land surveying experience
  - Associate's degree and five years of acceptable land surveying experience
  - Bachelor's degree and three years of acceptable land surveying experience

The changes are codified at O.C.G.A. § 43-15-13.

While the changes technically go into effect July 1, revised rules are not expected to be promulgated by the Georgia State Board of Registration for Professional Engineers and Land Surveyors until later this year. In the interim, the board has advised:

Until the revised board rules are adopted by the board, the board will review applicants under the same guidelines and existing board rules as previously used, with a few exceptions:

- Applicants that are waiting to complete a board required amount of experience are now free to take all three licensure exams at any time.
- Applicants will be required to complete their board required amount of experience, even after passage of all three exams. Applicants nearing completion of their required experience are encouraged to submit their application for licensure package upon completion and passage of all three exams. Their experience will be reconsidered under the new experience guidelines as set forth under the [newly passed law](#).

## Georgia's Public Employee Hazardous Chemical Protection and Right to Know Act:

Senate Bill 417 was signed on May 6 as Act 614, amending Georgia's Public Employee Hazardous Chemical Protection and Right to Know Act (the "Right to Know Act"). O.C.G.A. §§ 45-22-1 et seq.

Originally enacted in 1988, the Right to Know Act imposes certain health and safety obligations on certain public employers that introduce hazardous materials into the workplace, and affords state employees similar protections that private employees receive under the Occupational and Safety Health Act. In addition to certain public employers, the Right to Know Act also covers construction contractors that provide labor or services to any branch, department, board, bureau, commission, authority, or other agency of the State of Georgia.

As outlined below, the amendments in Senate Bill 417 focus on an employer's responsibilities related to safety data sheets, penalties for non-compliance, and incorporates recent OSHA

regulations:

## 1. Form of Safety Data Sheets

The defined term “material safety data sheets” is shortened to “safety data sheets” throughout the Right to Know Act, consistent with OSHA adopting the [shortened defined term in 2012](#).

The definition of “safety data sheet” now incorporates “the requirements of section 1920.1220(g) and appendix D of the Occupational Safety and Health Administration standard.” O.C.G.A. § 45-22-2 (20).

## 2. Maintenance and Publication of Safety Data Sheets

As to all of an employer’s obligations related to the maintenance and publication of safety data sheets and lists of hazardous chemicals, the requisite information can be maintained and provided in either a written or electronic format. The prior version did not explicitly allow for electronic format.

Employers are required by statute to retain copies of safety data sheets for at least three years. O.C.G.A. § 45-22-7 (a), (d). Prior to 2024, the Right to Know Act was silent as to how long employers had to retain safety data sheets.

## 3. Penalties for Non-Compliance

A manufacturer, importer, or distributor of hazardous material may face a penalty not to exceed \$1,000 per day, for each day that said manufacturer, importer, or distributor has not provided a covered employer with a safety data sheet. O.C.G.A. § 45-22-7(g).

Another notable penalty included in the prior version of the Right to Know Act remains unchanged: if a public contractor fails to comply with its responsibilities under O.C.G.A. § 45-22-4, its contract may be terminated by the public employer without liability. O.C.G.A. § 45-22-11(b).

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