

House Bill 1066

By: Representatives Powell of the 23rd, Skipper of the 137th, Reichert of the 126th, Westmoreland of the 104th, Orrock of the 56th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to
2 general provisions relative to torts, so as to provide for a limitation on the liability of certified
3 child safety passenger technicians and sponsoring organizations; to provide for definitions;
4 to provide for a standard of care; to provide for exceptions; to provide for other matters
5 relative to the foregoing; to provide for applicability; to repeal conflicting laws; and for other
6 purposes.

7

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9

SECTION 1.

10 Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to general
11 provisions relative to torts, is amended by adding following Code Section 51-1-20.1, a new
12 Code Section 51-1-20.2 to read as follows:

13 "51-1-20.2.

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

15 (1) 'Child passenger safety technician' means a person who holds a current certification
16 as a child passenger safety technician or technician instructor by the National Highway
17 Traffic Safety Administration of the United States Department of Transportation, the
18 American Automobile Association, or other entity designated by the National Highway
19 Traffic Safety Administration.

20 (2) 'Child safety seat' means a seat as defined in paragraph (1) of subsection (b) of Code
21 Section 40-8-76.

22 (3) 'Sponsoring organization' means a person or organization that:

23 (A) Employs a child passenger safety technician;

24 (B) Offers or arranges for the public, a nonprofit child safety seat educational program,
25 checkup event, or fitting station program utilizing child passenger safety technicians;

26 or

1 (C) Owns property upon which a nonprofit child safety seat educational program,
2 checkup event, or fitting station program for the public occurs.

3 (b) A child passenger safety technician or sponsoring organization shall not be liable to
4 any person as a result of any act or omission that occurs solely in the inspection,
5 installation or adjustment of a child safety seat, or in providing education regarding the
6 installation or adjustment of a child safety seat if the child passenger safety technician or
7 sponsoring organization provides the services without a fee or charge to the owner or
8 operator of the motor vehicle and acts in good faith within the scope of training for which
9 the technician is currently certified and unless the act or omission constitutes willful and
10 wanton misconduct or gross negligence.

11 (c) This Code section shall apply to any cause of action arising on or after July 1, 2002."

12 **SECTION 2.**

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