

House Bill 1066 (COMMITTEE SUBSTITUTE)

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 passenger safety 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, relating
12 to liability of volunteers, employees, and officers, a new Code Section 51-1-20.2 to read as
13 follows:

14 "51-1-20.2.

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

16 (1) 'Child passenger safety technician' means a person who holds a current certification
17 as a child passenger safety technician or technician instructor by the National Highway
18 Traffic Safety Administration of the United States Department of Transportation, the
19 American Automobile Association, or other entity designated by the National Highway
20 Traffic Safety Administration but specifically does not include any person who is an
21 employee or agent of a manufacturer of child safety seats.

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

24 (3) 'Sponsoring organization' means a person or organization other than a manufacturer
25 of or an employee or agent of a manufacturer of child safety seats that:

- 1 (A) Offers or arranges for the public a nonprofit child safety seat educational program,
2 checkup event, or fitting station program utilizing child passenger safety technicians;
3 or
4 (B) Owns property upon which a nonprofit child safety seat educational program,
5 checkup event, or fitting station program for the public occurs utilizing child passenger
6 safety technicians.
- 7 (b) A child passenger safety technician or sponsoring organization shall not be liable to
8 any person as a result of any act or omission that occurs solely in the inspection,
9 installation or adjustment of a child safety seat, or in providing education regarding the
10 installation or adjustment of a child safety seat if the child passenger safety technician or
11 sponsoring organization provides the services without a fee and acts in good faith within
12 the scope of training for which the technician is currently certified and unless the act or
13 omission constitutes willful and wanton misconduct or gross negligence.
- 14 (c) Nothing in this Code section shall be construed as affecting, modifying, or eliminating
15 the liability of a manufacturer of a child safety seat or its employees or agents under any
16 legal claim, including but not limited to product liability claims.
- 17 (d) This Code section shall apply to any cause of action arising on or after July 1, 2002."

18

SECTION 2.

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