

Senate Bill 305

By: Senators Shafer of the 48th, Pearson of the 51st, Heath of the 31st, Thomas of the 54th and Mullis of the 53rd

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 2 of Chapter 3 of Title 38 of the Official Code of Georgia Annotated,  
2 relating to organization and administration of emergency management, so as to revise a  
3 provision relating to the licensing of nongovernmental rescue organizations; to amend  
4 Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to torts in general,  
5 so as to revise certain provisions relating to liability of persons and entities in emergency  
6 situations; to provide for related matters; to provide for an effective date and applicability;  
7 to repeal conflicting laws; and for other purposes.

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9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Article 2 of Chapter 3 of Title 38 of the Official Code of Georgia Annotated, relating to  
12 organization and administration of emergency management, is amended by revising  
13 subsection (a) of Code Section 38-3-36, relating to the director licensing nongovernmental  
14 rescue organizations, as follows:

15 "(a) Except as otherwise provided by subsection (b) of this Code section, all  
16 nongovernmental rescue organizations, associations, groups, teams, search and rescue dog  
17 teams, or individuals, whether or not they are holders of a charter issued by this state or  
18 officers thereof, shall be prohibited from performing any rescue or emergency management  
19 type activity until the organization, association, group, team, search and rescue dog team,  
20 or individual has been licensed by the director of emergency management to perform the  
21 activities. It is expressly declared that Articles 1 through 3 of this chapter shall not amend,  
22 repeal, alter, or affect in any manner Code Section 51-1-29 or Code Section 51-1-29.2."

23 **SECTION 2.**

24 Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to general  
25 provisions concerning torts, is amended by revising Code Section 51-1-29.2, relating to

liability of persons acting to prevent, minimize, and repair injury and damage resulting from catastrophic acts of nature, as follows:

"51-1-29.2.

Any natural person and any association, fraternal organization, private for profit entity, not for profit entity, religious organization, and charitable organization and the officers, directors, employees, and agents of such associations, organizations, and entities, when such groups are working in coordination and under the direction of an appropriate state agency, who voluntarily and without the expectation or receipt of compensation provides services or goods in preparation for, anticipation of, or during a time of emergency and in a place of emergency as declared by the Governor for the benefit of any ~~individual~~ natural person or his or her property, to prevent or minimize harm to such natural person, or to prevent, minimize, and repair injury and damage to such person's property resulting from biological, chemical, or nuclear agents, terrorism, pandemics or epidemics of infectious disease, catastrophic acts of nature, including, but not limited to, fire, flood, earthquake, wind, storm, or wave action, or any other occurrence which warrants the declaration of a state of emergency or disaster by the Governor pursuant to Code Section 38-3-51 or by a federal agency shall not be civilly liable to any ~~individual~~ natural person receiving such assistance as a result of any act or omission in rendering such service if ~~such person the~~ natural person, association, organization, or entity rendering aid was acting in good faith and unless the damage or injury was caused by the willful or wanton negligence or misconduct of such ~~person~~ natural person, association, organization, or entity. Nothing in this Code section shall be construed to amend, repeal, alter, or affect in any manner any other provision of law granting immunity or limiting liability. Furthermore, nothing in this Code section shall be construed to abrogate the state's sovereign immunity as to all actions executed by any party under this Code section."

### SECTION 3.

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

### SECTION 4.

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