

## COMMITTEE OF CONFERENCE SUBSTITUTE TO SB 305

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 provide a  
4 short title; to amend Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating  
5 to torts in general, so as to revise certain provisions relating to liability of persons and entities  
6 in emergency situations; to provide immunity from liability for manufacturers for a defective  
7 product under certain circumstances; to provide for related matters; to provide for an  
8 effective date and applicability; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 This Act shall be known and may be cited as the "Corporate Good Samaritan Act of 2008."

12 **SECTION 2.**

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

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



1 rendering such services or goods if such person or entity was acting in good faith and  
2 unless the damage or injury was caused by the willful or wanton negligence or misconduct  
3 of such person or entity.

4 (d) Nothing in this Code section shall be construed to repeal, alter, or limit in any manner  
5 any other provision of law granting immunity or limiting liability. Furthermore, nothing  
6 in this Code section shall be construed to abrogate any state or local entity's sovereign  
7 immunity."

#### 8 **SECTION 4.**

9 Said chapter is further amended in Code Section 51-1-11, relating to when privity is required  
10 to support an action, product liability actions, and time limitation therefor, by adding a new  
11 subsection to read as follows:

12 "(d) A manufacturer shall not be held liable for the manufacture of a defective product  
13 based on theories of market share, enterprise, or other theories of industry-wide liability.  
14 A manufacturer of a product alleged to be defective shall not be held liable for a public  
15 nuisance based on theories of market share, enterprise, or other theories of industry-wide  
16 liability."

#### 17 **SECTION 5.**

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

#### 20 **SECTION 6.**

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