

Senate Bill 75

By: Senators Heath of the 31st, Hooks of the 14th, Cowser of the 46th, Bulloch of the 11th, Tolleson of the 20th 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 regarding torts, so as to limit liability of certain landowners who permit
3 persons to hunt or fish on their property or allow persons on such property for agritourism;
4 to provide for a short title; to require the posting of certain signs; to provide for specifications
5 for such signs; to provide for related matters; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 This Act shall be known and may be cited as the "Landowners Protection Act of 2009."

10 **SECTION 2.**

11 Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to general
12 provisions regarding torts, is amended by adding a new Code section to read as follows:

13 "51-1-53.

14 (a) For the purposes of this Code section, the term 'agritourism' shall carry the same
15 meaning as set out in subparagraph (p)(7)(B) of Code Section 48-5-7.4.

16 (b) Notwithstanding Code Section 13-3-20, for the purposes of this Code section a person
17 16 years of age or older shall have the capacity to enter into a binding contract to waive his
18 or her liability.

19 (c) A landowner who charges admission for a person who is 16 years of age or older to
20 hunt or fish on the owner's property or to enter the owner's property for the purposes of
21 agritourism shall be immune from civil liability for any acts done by such person on such
22 property, provided that:

23 (1) The landowner's conduct does not constitute gross negligence or willful and wanton
24 misconduct;

25 (2) The landowner has posted at the main point of entry to the property a sign with a
 26 warning notice stating the following:

27 (A) In the case of agritourism:

28 'Warning

29 Under Georgia law, there is no liability for an injury or death of a participant in a
 30 registered agritourism activity conducted at this registered agritourism location if such
 31 injury or death results from the inherent risks of such agritourism activity. Inherent
 32 risks of agritourism activities include, but shall not be limited to, the potential of you
 33 as a participant to act in a negligent manner that may contribute to your injury or
 34 death and the potential of another participant to act in a negligent manner that may
 35 contribute to your injury or death. You are assuming the risk of participating in this
 36 registered agritourism activity.'

37 (B) In the case of a landowner who charges admission for a person who is 16 years of
 38 age or older to hunt or fish on the owner's property:

39 'Warning

40 Under Georgia law, there is no liability for an injury or death of a hunting or fishing
 41 participant at least 16 years of age conducted at this location if such injury or death
 42 results from the inherent risks of such hunting or fishing activity. Inherent risks of
 43 hunting or fishing activities include, but shall not be limited to, the potential of you as
 44 a participant to act in a negligent manner that may contribute to your injury or death
 45 and the potential of another participant to act in a negligent manner that may contribute
 46 to your injury or death. You are assuming the risk of participating in this hunting or
 47 fishing activity.'

48 The warning notice specified in this paragraph shall appear on the sign in black letters,
 49 with each letter to be a minimum of one inch in height; and

50 (3) The person who has paid admission to the landowner to enter such landowner's
 51 property to hunt, fish, or for the purposes of agritourism has signed a waiver of liability
 52 form stating that the person entering the landowner's property has waived all civil liability
 53 against the landowner for acts done by the landowner on his or her property. Such waiver
 54 of liability form shall mirror the language provided for in paragraph (2) of this subsection
 55 regarding the warning notice."

56 **SECTION 3.**

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