

House Bill 683

By: Representatives Powell of the 171st, Willard of the 49th, Meadows of the 5th, Abrams of the 84th, and Harden of the 147th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 36-33-1 of the Official Code of Georgia Annotated, relating to
2 immunity of municipal corporations from liability for damages, waiver of immunity by
3 purchase of liability insurance, and liability for acts or omissions generally, so as to provide
4 for sovereign immunity for municipal corporations from losses resulting from the plan or
5 design for construction of, or improvement to, highways, roads, streets, bridges, utilities, or
6 other public works where such plan or design is prepared in substantial compliance with
7 generally accepted engineering or design standards in effect at the time of preparation of the
8 plan or design; to provide an effective date; to repeal conflicting laws; and for other
9 purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Code Section 36-33-1 of the Official Code of Georgia Annotated, relating to immunity of
13 municipal corporations from liability for damages, waiver of immunity by purchase of
14 liability insurance, and liability for acts or omissions generally, is amended by revising
15 subsection (b) as follows:

16 "(b) Municipal corporations shall not be liable for failure to perform or for errors in
17 performing their legislative or judicial powers. ~~For or for losses resulting from the plan or~~
18 design for construction of, or improvement to, highways, roads, streets, bridges, utilities,
19 or other public works where such plan or design is prepared in substantial compliance with
20 generally accepted engineering or design standards in effect at the time of preparation of
21 the plan or design. Municipal corporations shall be liable for neglect to perform or
22 improper or unskillful performance of their ministerial duties, ~~they shall be liable.~~"

23 **SECTION 2.**

24 This Act shall become effective upon its approval by the Governor or upon its becoming law
25 without such approval.

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SECTION 3.

27 All laws and parts of laws in conflict with this Act are repealed.