

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

AS PASSED SENATE

**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 provide for an effective date and
6 applicability; to repeal conflicting laws; and for other 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, if present, to the property a sign
26 with a 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 at least
30 16 years of age in a registered agritourism activity conducted at this registered
31 agritourism location if such injury or death results from the inherent risks of such
32 agritourism activity. Inherent risks of agritourism activities include, but shall not be
33 limited to, the potential of you to act in a negligent manner that may contribute to your
34 injury or death and the potential of another participant to act in a negligent manner that
35 may contribute to your injury or death. You are assuming the risk of participating in
36 this 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 to
44 act in a negligent manner that may contribute to your injury or death and the potential
45 of another participant to act in a negligent manner that may contribute to your injury
46 or death. You are assuming the risk of participating in this hunting or fishing activity.'

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

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

55 (4) This Code section shall be supplemental to all other provisions of law that provide
56 defenses to property owners. This Code section shall not create any new cause of action
57 against a property owner or additional liability to property owners."

58

SECTION 3.

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

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SECTION 4.

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