

COMMITTEE OF CONFERENCE SUBSTITUTE TO HB 529

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 2 of the Official Code of Georgia Annotated, relating to general
 2 provisions relative to agriculture, so as to preempt certain local ordinances relating to
 3 production of agricultural or farm products; to provide certain exceptions; to amend Chapter
 4 1 of Title 51 of the Official Code of Georgia Annotated, relating to general provisions
 5 regarding torts, so as to limit liability of certain landowners who permit persons to hunt or
 6 fish on their property or allow persons on such property for agritourism; to require the
 7 posting of certain signs; to provide for specifications for such signs; to provide for related
 8 matters; to provide for an effective date and applicability; to repeal conflicting laws; and for
 9 other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

11 Chapter 1 of Title 2 of the Official Code of Georgia Annotated, relating to general provisions
 12 relative to agriculture, is amended by adding a new Code section to read as follows:

13 "2-1-6.

14 (a) No county, municipality, consolidated government, or other political subdivision of this
 15 state shall adopt or enforce any ordinance, rule, regulation, or resolution regulating crop
 16 management or animal husbandry practices involved in the production of agricultural or
 17 farm products on any private property.

18 (b) Subsection (a) of this Code section shall not prohibit or impair the power of any local
 19 government to adopt or enforce any zoning ordinance or make any other zoning decision.
 20 As used in this subsection, the terms 'local government', 'zoning decision', and 'zoning
 21 ordinance' have the same meanings provided by Code Section 36-66-3.

22 (c) Subsection (a) of this Code section shall not prohibit or impair any existing power of
 23 a county, municipality, consolidated government, or other political subdivision of this state
 24 to adopt or enforce any ordinance, rule, regulation, or resolution regulating land application
 25 of human waste."
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SECTION 2.

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

"51-1-53.

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

(b) A landowner who charges admission for a person who is 18 years of age or older to hunt or fish on the owner's property or to enter the owner's property for the purposes of agritourism shall be immune from civil liability for any injuries caused by the inherent risk associated with agritourism, hunting, or fishing activity, provided that:

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

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

(A) In the case of agritourism:

'Warning

Under Georgia law, there is no liability for an injury or death of a participant at least 18 years of age in a registered agritourism activity conducted at this registered agritourism location if such injury or death results from the inherent risks of such agritourism activity. Inherent risks of agritourism activities include, but shall not be limited to, the potential of you to act in a negligent manner that may contribute to your injury or death and the potential of another participant to act in a negligent manner that may contribute to your injury or death. You are assuming the risk of participating in this registered agritourism activity.'

(B) In the case of a landowner who charges admission for a person who is 18 years of age or older to hunt or fish on the owner's property:

'Warning

Under Georgia law, there is no liability for an injury or death of a hunting or fishing participant at least 18 years of age conducted at this location if such injury or death results from the inherent risks of such hunting or fishing activity. Inherent risks of hunting or fishing activities include, but shall not be limited to, the potential of you to act in a negligent manner that may contribute to your injury or death and the potential of another participant to act in a negligent manner that may contribute to your injury or death. You are assuming the risk of participating in this hunting or fishing activity.'

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

