

Senate Bill 12

By: Senator McKoon of the 29th

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 for torts, so as to limit liability for a governing authority of a school that
3 enters into a recreational joint-use agreement with a public or private entity; to provide for
4 definitions; to provide for specifications for a recreational joint-use agreement; to provide
5 for applicability; to provide an effective date; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

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

11 "51-1-52.

12 (a) As used in this Code section, the term:

13 (1) 'Facilities' means a school's buildings, fixtures, and equipment, including, but not
14 limited to, classrooms, libraries, rooms and space for physical education, space for fine
15 arts, restrooms, specialized laboratories, cafeterias, media centers, building equipment,
16 building fixtures, furnishings, gardens, tracks, stadiums, and other facilities or portions
17 of facilities used primarily for athletic competition.

18 (2) 'Recreational joint-use agreement' means a written agreement between the governing
19 authority of a school and a public or private entity authorizing such entity to access the
20 facilities of a school under the governing authority's jurisdiction for the purposes of
21 conducting or engaging in recreational or physical activity.

22 (3) 'School' means any public pre-kindergarten, elementary school, or secondary school.

23 (b) A recreational joint-use agreement shall:

24 (1) Set forth the terms and conditions of the use of a facility;

25 (2) Include a hold harmless provision;

26 (3) Be revocable at any time by the governing authority of the school; and

27 (4) Require the entity to maintain and provide proof of adequate liability insurance
28 coverage effective for the duration of such agreement.

29 (c) The governing authority of a school, when operating pursuant to a recreational
30 joint-use agreement, shall not be liable for any civil damages arising from the use of the
31 school's facilities unless it is proven by clear and convincing evidence that injuries or
32 damages arising from such use were caused by the gross negligence or willful or wanton
33 misconduct of the school's governing authority.

34 (d) This Code section shall apply to causes of action arising on or after July 1, 2013."

35 **SECTION 2.**

36 This Act shall become effective on July 1, 2013.

37 **SECTION 3.**

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