

The Senate Judiciary Committee offered the following substitute to SB 12:

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, physical, or performing arts 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 in favor of the governing authority;

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

