

Senate Bill 125

By: Senators Stone of the 23rd and Gooch of the 51st

AS PASSED

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 3 of Title 51 of the Official Code of Georgia Annotated,
2 relating to general provisions regarding the liability of owners and occupiers of land, so as
3 to codify the duty of a lawful possessor of land to a trespasser against harm; to provide for
4 legislative findings; to define a term; to provide for related matters; to repeal conflicting
5 laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 style="text-align:center">**SECTION 1.**

8 It is the intent of the General Assembly to codify and preserve Georgia common law
9 regarding the duties owed by possessors of land to trespassers as of January 1, 2014. The
10 General Assembly finds that the provisions of the American Law Institute's *Restatement of*
11 *the Law Third, Torts: Liability for Physical and Emotional Harm*, §§ 50-52 (2012), which
12 seek to impose broad new duties on those who own, occupy, or control premises, including
13 the duty to exercise reasonable care to all trespassers, do not reflect the public policy of the
14 State of Georgia. It is also the intent of the General Assembly to preserve the attractive
15 nuisance doctrine and Georgia common law as it relates to the attractive nuisance doctrine.

16 style="text-align:center">**SECTION 2.**

17 Article 1 of Chapter 3 of Title 51 of the Official Code of Georgia Annotated, relating to
18 general provisions regarding the liability of owners and occupiers of land, is amended by
19 adding a new Code section to read as follows:

20 "51-3-3.

21 (a) As used in this Code section, the term 'possessor of land' means the landowner,
22 occupant of the land, holder of any easement to the land, or lessee of the land.

23 (b) A lawful possessor of land owes no duty of care to a trespasser except to refrain from
24 causing a willful or wanton injury.

25 (c) Georgia common law as it exists and is applied to the doctrine of attractive nuisance,
26 in effect as of January 1, 2014, shall not be construed to be altered by this Code section.
27 (d) This Code section shall not affect any immunities from or defenses to civil liability to
28 which a lawful possessor of land may be entitled."

29

SECTION 3.

30 All laws and parts of laws in conflict with this Act are repealed.