

Senate Bill 417

By: Senators Mullis of the 53rd, Gooch of the 51st, Beach of the 21st and Ginn of the 47th

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 7 of Title 50 of the Official Code of Georgia Annotated, relating to the
2 Department of Economic Development, so as to create the "Georgia Film and Television
3 Trail Act"; to provide for a short title; to provide for definitions; to provide for a purpose; to
4 provide for the Department of Economic Development to plan and develop the trail; to
5 provide for policies; to provide for the Department of Transportation to place trail signs
6 designed in conjunction with the Department of Economic Development; to provide for
7 certain immunities; to provide for related matters; to repeal conflicting laws; and for other
8 purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Chapter 7 of Title 50 of the Official Code of Georgia Annotated, relating to the Department
12 of Economic Development, is amended by adding a new article to read as follows:

13 "ARTICLE 9

14 50-7-110.

15 This article shall be known and may be cited as the 'Georgia Film and Television Trail Act.'

16 50-7-111.

17 In order to acknowledge the increasing production of films and television in this state, in
18 order to promote the enjoyment and appreciation of the film and television industry in
19 Georgia, and in order to provide public interest and enjoyment in visiting and viewing the
20 location sites of films and television productions made in Georgia, a trail shall be
21 developed to provide an opportunity for the public to be aware of these locations and visit
22 film and television location sites throughout this state. Therefore, the purpose of this
23 article is to provide for a Georgia Film and Television Trail.

24 50-7-112.

25 As used in this article, the term 'trail' means the Georgia Film and Television Trail provided
26 for in this article.

27 50-7-113.

28 The Department of Economic Development shall have the responsibility of creating and
29 developing a Georgia Film and Television Trail. In carrying out such responsibilities, it
30 shall be the duty of the department to identify and plan the trail, to acquire or otherwise
31 gain control over or rights to the use of the necessary land for the signs to identify the
32 locations of certain film and television productions that the department determines are of
33 interest to the general public and to work with the Department of Transportation to design
34 appropriate signs. For the purpose of carrying out its primary duties as provided in this
35 article, the department shall be authorized to exercise any powers heretofore provided by
36 law for the department, except for the powers of eminent domain.

37 50-7-114.

38 The department shall be guided by the following policies in creating and administering the
39 Georgia Film and Television Trail:

40 (1) A balanced system of locations throughout the state should be sought;

41 (2) Assistance and encouragement should be provided for local governments in the
42 development of the trail;

43 (3) The advice, cooperation, and assistance of other state agencies, local governments
44 and agencies thereof, and private associations and organizations should be sought in
45 developing and maintaining the signs;

46 (4) The trail should be planned, constructed, and maintained on a long-term basis, and in
47 connection therewith long-term control of the signs and marking of the trail.

48 (5) A program for the publicity and education of the public on the existence of the trail
49 should be established; and

50 (6) The department shall be required to get written approval from the property owner
51 prior to placement of any signage or distribution of any printed or electronic
52 communication designating such property as a part of the trail.

53 50-7-115.

54 (a) The Department of Transportation is authorized and directed to place signs in this state
55 at film and television production sites determined by the Department of Economic
56 Development and approved by the Department of Transportation pursuant to this article.

57 (b) Nothing contained in this Code section shall be deemed or construed to prevent local
58 governing authorities or private associations and organizations from placing signs or
59 otherwise indicating the location of the film or television production sites in this state,
60 provided that the power of eminent domain shall not be exercised for the acquisition or
61 construction of such signs for film or television production location sites.

62 (c) Notwithstanding the provisions of any other statute concerning the improvement of
63 land held in fee simple by the State of Georgia, the Department of Transportation shall be
64 authorized to expend state funds for construction, placement, and maintenance of the signs
65 indicating the film or television production locations designated by the department and may
66 through purchase, easement, lease, or donation.

67 50-7-116.

68 (a) Any person who goes upon or through the premises, including, but not limited to,
69 lands, waters, and private ways, of another with or without permission to sightsee, or for
70 any other purpose, without the payment of monetary consideration, or with the payment
71 of monetary consideration directly or indirectly on his or her behalf by an agency of the
72 state or federal government, is not thereby entitled to any assurance that the premises are
73 safe for such purpose. The owner of such premises does not assume responsibility for or
74 incur liability for any injury to person or property caused by an act or failure to act of other
75 persons using such premises.

76 (b) Nothing in this Code section shall be construed as affecting the existing case law of
77 Georgia regarding liability of owners or possessors of premises with respect to business
78 invitees in commercial establishments or to invited guests, nor shall this Code section be
79 construed so as to affect the attractive nuisance doctrine. In addition, nothing in this Code
80 section shall excuse the owner or occupant of premises from liability for injury to persons
81 or property caused by the malicious or illegal acts of the owner or occupant.

82 50-7-117.

83 The Department of Economic Development is authorized to adopt and promulgate such
84 rules and regulations as may be necessary to carry out this article."

85 **SECTION 2.**

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