

House Bill 678

By: Representatives Hilton of the 48<sup>th</sup>, Silcox of the 53<sup>rd</sup>, Carpenter of the 4<sup>th</sup>, Crowe of the 118<sup>th</sup>, LaHood of the 175<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 80 of Title 36 of the Official Code of Georgia Annotated, relating to  
2 general provisions applicable to counties, municipal corporations, and other government  
3 entities, so as to provide that authorities with less than state-wide jurisdiction shall have the  
4 same sovereign immunities as provided to counties; to provide a definition; to provide that  
5 officers and employees of such authorities in the conduct of their official duties shall have  
6 the same official immunities as provided to officers and employees of a county performing  
7 duties on behalf of such county; to provide for legislative intent; to provide limitations on the  
8 amounts and types of damages and interest recoverable against an authority; to provide for  
9 applicability; to provide for related matters; to repeal conflicting laws; and for other  
10 purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 Chapter 80 of Title 36 of the Official Code of Georgia Annotated, relating to general  
14 provisions applicable to counties, municipal corporations, and other government entities, is  
15 amended by adding a new Code section to read as follows:

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16 "36-80-32.

17 (a) As used in this Code section, the term 'authority' means any:

18 (1) Instrumentality of the state or a county, municipality, or a joint undertaking thereof  
19 that has less than state-wide jurisdiction and was created to fulfill a specialized public  
20 purpose; or

21 (2) Other legally created organization that has authority to issue debt for a public purpose  
22 independent of the state, a county, or municipality with less than state-wide jurisdiction,  
23 regardless of whether such instrumentality or organization was created by a local  
24 constitutional amendment, general law, or local law.

25 (b) An authority shall be deemed to be providing a public service and exercising public  
26 duties and, notwithstanding any provisions of an authority's enabling legislation to the  
27 contrary, shall have the same sovereign immunity and exemption from liability for torts  
28 and negligence as a county, and the officers, agents, and employees of such authority when  
29 in the performance of the work of the authority shall have the same immunity and  
30 exemption from liability for torts and negligence as the officers, agents, and employees of  
31 a county when in the performance of their public duties or work of the county.

32 (c) It is the specific intent of the General Assembly that tort claims against authorities shall  
33 be subject to the limitations on liability of the state found in Article 2 of Chapter 21 of  
34 Title 50, 'The Georgia Tort Claims Act.' In any civil action or claim for damages brought  
35 against an authority, no claimant shall recover a sum exceeding \$1 million from any single  
36 authority because of a loss arising from a single occurrence; and any single authority's  
37 aggregate liability per occurrence shall not exceed \$3 million. The existence of these caps  
38 on liability shall not be disclosed or suggested to the jury during the trial of any action  
39 brought against an authority.

40 (d) No award for damages against an authority shall include punitive or exemplary  
41 damages or interest prior to judgment.

42 (e) In cases where judgment is obtained against an authority, the judgment shall bear  
43 interest from the date judgment is entered at the rate of 7 percent per annum; provided,  
44 however, that any recovery of interest shall be included within the applicable aggregate  
45 amount per occurrence as set forth in this Code section.

46 (f) Trial of tort claims against an authority shall be conducted by a judge with a jury;  
47 provided, however, that the parties may agree that the same be tried by a judge without a  
48 jury.

49 (g) The provisions of this Code section shall only apply to acts or omissions occurring on  
50 or after July 1, 2025.

51 (h) This Code section shall not be construed as a waiver of immunity as required by  
52 Article IX, Section II, Paragraph IX of the Constitution of the State of Georgia. Any such  
53 waiver must be pled and proven by the claimant as provided by law."

54

## SECTION 2.

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