

Senate Bill 449

By: Senators Heath of the 31st, Carter of the 13th, Tolleson of the 20th, Hooks of the 14th, Hill of the 4th and others

AS PASSED SENATE

**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 regarding torts, so as to limit liability of certain landowners who permit
3 persons to hunt or fish on their property or allow persons on such property for agritourism;
4 to provide for a short title; to provide for related matters; to repeal conflicting laws; and for
5 other purposes.

6 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

7 **SECTION 1.**

8 This Act shall be known and may be cited as the "Landowners Protection Act of 2008."

9 **SECTION 2.**

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

12 "51-1-52.

13 (a) A landowner who allows a person who is 16 years of age or older to hunt or fish on the
14 owner's property shall be immune from civil liability for any acts done by such person on
15 such property, provided that the landowner's conduct does not constitute gross negligence
16 or willful and wanton misconduct.

17 (b) A landowner who allows a person who is 16 years of age or older to enter the owner's
18 property for purposes related to agritourism, as such term is defined in subparagraph
19 (p)(7)(B) of Code Section 48-5-7.4, shall be immune from civil liability for any acts or
20 omissions of the landowner that do not constitute gross negligence or willful and wanton
21 misconduct."

22 **SECTION 3.**

23 All laws and parts of laws in conflict with this Act are repealed.