

The House Committee on Judiciary offers the following substitute to HB 382:

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 entity or private entity authorizing such entity to access  
20 the 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) 'Public entity' means an entity other than the state or its departments, institutions,  
23 agencies, commissions, councils, authorities, boards, bureaus, or any other entity of the  
24 state.

25 (4) 'School' means any public pre-kindergarten, elementary school, or secondary school.

26 (b) A recreational joint-use agreement shall:

- 27 (1) Set forth the terms and conditions of the use of a facility;  
28 (2) Include a hold harmless provision in favor of the governing authority;  
29 (3) Be revocable at any time by the governing authority of the school;  
30 (4) Require the public entity or private entity to maintain and provide proof of a  
31 minimum of \$1 million in liability insurance coverage applicable to the use of the  
32 facilities and effective for the duration of such agreement; and  
33 (5) Provide a citation that such agreement shall be governed by this Code section.  
34 (c) Code Section 51-12-33 shall not apply to claims for civil damages arising from the use  
35 of a school's facilities pursuant to a recreational joint-use agreement.  
36 (d) This Code section shall apply to causes of action arising on or after July 1, 2013."

37 **SECTION 2.**

38 This Act shall become effective on July 1, 2013.

39 **SECTION 3.**

40 All laws and parts of laws in conflict with this Act are repealed.