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Media Release

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Senate is considering legalizing irresponsible behavior
Kids taking fieldtrips to ‘The Country’ should beware

Atlanta- The Georgia State Senate is considering a bill that eradicates personal responsibility and puts Georgia’s children and families at great risk. Senate Bill 449 (SB 449), ‘The Landowners Protection Act of 2008,’ may sound innocuous but it is riddled with danger. The bill is sold as a great deal for Georgia’s landowners—yet it ignores the inherent risks it creates for the citizens of Georgia who are paying visitors on the land.

Since the inception of the state of Georgia, and of the United States of America, there has been a basic law concerning premises liability that requires property owners, who charge money for visitors to come onto their land, to act with ‘reasonable care’ for another’s safety. If the landowner should act carelessly or negligently there could be repercussions if someone gets hurt. The ‘reasonable care’ standard basically equates to whatever action or responsibility a hypothetical, reasonable person would exercise in a similar situation and may include certain responsibilities such as the owner performing a routine inspection of his or her land.

Members of the Georgia Senate are attempting to throw that standard—and the protections it offers the citizens of Georgia—right out the window. SB 449 lowers the ‘reasonable care’ standard to a ‘gross negligence’ standard for two business owners: a landowner who takes payment for those who hunt on his or her land, and a landowner who runs an ‘agritourism’ business.

“Gross negligence is nearly criminal behavior. It’s just a tiny bit better than intentionally hurting someone,” said Georgia Attorney Jay Sadd. **“This means that a property owner can act with excessive carelessness and can still legitimately operate a business. And if a paying customer gets hurt by such negligence? Well, that’s too bad. Their Constitutional right of redress has been stripped.”**

Concerns were raised by Sadd and the Georgia Trial Lawyers Association (GTLA) over SB 449’s blatant disregard for the safety of children, families and other paying customers who visit such properties. For example, under the proposed law, a landowner need not inspect his land for live bear traps before taking money from people who come to hunt on it. It would be completely legal for him to negligently, recklessly and carelessly leave hazards on his land. And if the twelve-year-old son of a hunter gets hurt by the trap, neither he, nor his father can hold the property owner liable for the injury.

GTLA adamantly believes that lawmakers should not relieve property owners of the duty to exercise reasonable care for children or any others who come onto their property.

“We firmly believe in personal responsibility. It’s common sense that a landowner is in the best position to know the hazards of his land. A visitor has never been there before. A child from the city would not know what is hazardous,” said Joe Watkins, President of GTLA. **“That’s why our law always has placed the duty to**

simply exercise ordinary and reasonable care for a patron’s well-being on the landowner. SB 449 destroys this universally accepted principle—to the detriment of the citizens of this state who visit such properties. SB 449 is bad and dangerous public policy.”

Sadd’s testimony clearly pointed out that the Senate Economic Development Committee, in debating passage of SB 449, was actually debating whether to legalize irresponsible behavior that could cause injury or death to the children and families of Georgia and simultaneously leave them with no recourse.

“I just don’t think our great state should go in this direction—the direction of utter disregard for the safety and well-being of its citizens,” said Sadd. **“I’ve heard about being thrown under a bus before—now, this bill would throw Georgia’s citizens under a tractor.”**

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