

Georgia Enacts Corporate Good Samaritan Act



May 19, 2008

The Governor of Georgia has signed into law a bill that has been informally named the “Corporate Good Samaritan Act.” This bill gives businesses and non-profit organizations additional liability protection when performing “Good Samaritan” acts in a time of emergency or crisis.

The “Corporate Good Samaritan Act,” originally Senate Bill 305, passed the Senate unanimously, and on the last day of the General Assembly’s legislative session the bill was bundled into House Bill 89 as Section 8 in order to expedite the passage through the House.

The Georgia “Corporate Good Samaritan Act of 2008” provides that:

- any natural person, association, organization or private entity (directors, employees and agents of such organization)
- working in coordination with and under the direction of an appropriate state agency
- who voluntarily without the expectation or receipt of compensation
- provide services or goods to another to prevent or minimize harm resulting from an emergency or disaster for which an emergency is declared by the Governor or federal agency
- shall not be civilly liable to any natural person receiving such assistance as a result of a good faith act or omission unless the damage was caused by willful wanton negligence or misconduct of such natural person, association, organization or entity

In the 2007-2008 legislative biennium, Georgia was one of two pilot states pursuing this liability protection concept as part of the Good Samaritan Entity Liability Protection Initiative. The successful passage of the “Corporate Good Samaritan Act” this session was due in large part to the action of an Emergency Volunteer Action Network (EVAN) coalition that formed around this initiative. The Georgia EVAN coalition included such partners as the Georgia Division of Public Health, Georgia Emergency Management Agency, law enforcement officials, Business Executives for National Security, and the Georgia Chamber of Commerce. Early research in 2006-2007 was conducted by students at Georgia State University College of Law. Advocacy by Georgia business leaders under the direction of the Georgia Chamber of Commerce was particularly persuasive in getting this bill passed this session.

The full text of the new revisions to the Georgia Good Samaritan section follows:

Georgia
08 HB 89/AP
House Bill 89 (AS PASSED HOUSE AND SENATE)

SECTION 8.

Title 51 of the Official Code of Georgia Annotated, relating to torts, is amended by revising Code Section 51-1-29.2 as follows:

"51-1-29.2.

Any natural person and any association, fraternal organization, private for profit entity, not for profit entity, religious organization, or charitable organization and the officers, directors, employees, and agents of such associations, organizations, and entities, when such persons, associations, organizations, or entities are working in coordination and under the direction of an appropriate state agency, who voluntarily and without the expectation or receipt of compensation provides services or goods in preparation for, anticipation of, or during a time of emergency and in a place of emergency as declared by the Governor for the benefit of any individual natural person or his or her property to prevent or minimize harm to such natural person or to prevent, minimize, and repair injury and damage to such person's property resulting from biological, chemical, or nuclear agents; terrorism; pandemics or epidemics of infectious disease; or catastrophic acts of nature, including, but not limited to, fire, flood, earthquake, wind, storm, or wave action, or any other occurrence which warrants the declaration of a state of emergency or disaster by the Governor pursuant to Code Section 38-3-51 or by a federal agency shall not be civilly liable to any individual natural person receiving such assistance as a result of any act or omission in rendering such service if such natural person, association, organization, or entity was acting in good faith and unless the damage or injury was caused by the willful or wanton negligence or misconduct of such natural person, association, organization, or entity. Nothing in this Code section shall be construed to amend, repeal, alter, or affect in any manner any other provision of law granting immunity or limiting liability. Nothing in this Code section shall be construed to abrogate the sovereign immunity of this state as to all actions executed by any party under this Code section."