

House Bill 523

By: Representatives Clark of the 98th, Randall of the 142nd, Barr of the 103rd, Lindsey of the 54th, Gasaway of the 28th, and others

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 pertaining to torts, so as to establish immunity from liability for injury or
3 death related to skydiving; to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 style="text-align:center">**SECTION 1.**

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

8 "51-1-52.

9 (a) As used in this Code section, the term:

10 (1) 'Aircraft' means an airplane, helicopter, or any other vehicle used for flight for the
11 purpose of engaging in a skydiving activity.

12 (2) 'Engages in a skydiving activity' means:

13 (A) Any person, whether amateur or professional, who trains, assists, equips, guides,
14 and instructs anyone with the intent to skydive;

15 (B) Any pilot, flight crew member, or ground crew member of an aircraft or any
16 passenger aboard an aircraft engaged in a skydiving activity;

17 (C) Any person visiting, touring, or utilizing a skydiving facility as part of an event or
18 skydiving activity; or

19 (D) Any person who assists a participant or skydiving activity sponsor in a skydiving
20 activity.

21 The term 'engages in a skydiving activity' shall not include being a spectator at a
22 skydiving activity.

23 (3) 'Inherent risks of skydiving activities' means those dangers or conditions which are
24 an integral part of skydiving activities, including, but not limited to:

25 (A) Failure of a device to properly slow descent while descending through the air;

26 (B) Certain hazards such as surface and subsurface conditions;

- 27 (C) Collisions with other persons or natural or manmade obstacles; and
28 (D) The potential of a participant to act in a negligent manner that may contribute to
29 injury to the participant or others, such as failing to maintain control over the parachute,
30 not acting within the participant's ability, and the contingent and unpredictable nature
31 of near ground weather conditions.
- 32 (4) 'Parachute' means a nonmotorized device used, or intended to be used, for descent to
33 the ground from an aircraft in flight.
- 34 (5) 'Participant' means any person, whether amateur or professional, who engages in a
35 skydiving activity, whether or not a fee is paid to participate in such activity.
- 36 (6) 'Skydiving activity' means:
- 37 (A) The descent of one or more persons to the ground from an aircraft in flight when
38 a parachute is intended to be used during all or part of that descent;
- 39 (B) Skydiving training or teaching activities; and
- 40 (C) Packing, closing, rigging, and inspecting or evaluating parachute equipment
41 belonging to another whether or not the owner has received some monetary
42 consideration or other thing of value for the use of such equipment or is permitting a
43 prospective purchaser of the equipment to use, inspect, or evaluate the equipment.
- 44 (3) 'Skydiving activity sponsor' means any person or his or her agent who for profit or
45 not for profit sponsors, organizes, or provides the facilities, aircraft, or equipment for a
46 skydiving activity or who otherwise engages in a skydiving activity, including but not
47 limited to clubs, skydiving schools, school and college sponsored classes and programs,
48 and operators, instructors, and promoters of skydiving facilities, including but not limited
49 to locations, fields, airports, and airfields at which the skydiving activity is held.
- 50 (4) 'Skydiving professional' means a person engaged for compensation in:
- 51 (A) Instructing or accompanying a participant in a skydiving activity; or
52 (B) Renting or providing equipment to a participant.
- 53 (b) Except as provided in subsection (d) of this Code section, a skydiving activity sponsor,
54 a skydiving professional, or any other person, including a corporation or partnership, shall
55 not be liable for an injury to or the death of a participant resulting from the inherent risks
56 of skydiving activities and, except as provided in subsection (d) of this Code section, no
57 participant or participant's representative shall make any claim against, maintain an action
58 against, or recover from a skydiving activity sponsor, a skydiving professional, or any other
59 person for injury, loss, damage, or death of the participant resulting from any of the
60 inherent risks of skydiving activities.
- 61 (c) Except as provided in subsection (d) of this Code section, no participant who has
62 knowingly agreed to assume all inherent risks of skydiving activities may maintain an

63 action against or recover from a skydiving activity sponsor or a skydiving professional for
64 an injury to or the death of a participant engaged in a skydiving activity.

65 (d) Nothing in subsection (b) or (c) of this Code section shall prevent or limit the liability
66 of a skydiving activity sponsor, a skydiving professional, or any other person if the
67 skydiving activity sponsor, skydiving professional, or person:

68 (1) Provided the skydiving equipment and knew or should have known that the skydiving
69 equipment was faulty, and such skydiving equipment was faulty to the extent that it did
70 cause the injury;

71 (2) Failed to make reasonable and prudent efforts to determine the ability of the
72 participant to engage safely in the skydiving activity;

73 (3) Owns, leases, rents, or otherwise is in lawful possession and control of the land,
74 facilities, or aircraft upon which or in which the participant sustained injuries because of
75 a dangerous latent condition which was known or should have been known to the
76 skydiving activity sponsor, skydiving professional, or person and for which warning signs
77 had not been conspicuously posted;

78 (3) Commits an act or omission that constitutes willful or wanton disregard for the safety
79 of the participant, and that act or omission caused the injury; or

80 (4) Intentionally injures the participant.

81 (e) Nothing in subsection (b) of this Code section shall prevent or limit the liability of a
82 skydiving activity sponsor or skydiving professional under liability provisions as set forth
83 in the products liability laws."

84 **SECTION 2.**

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