

Senate Bill 428

By: Senators Tillery of the 19th, Ginn of the 47th, Setzler of the 37th, Hufstetler of the 52nd,
Burns of the 23rd and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 51 of the Official Code of Georgia Annotated, relating to torts, so as to
2 provide for a cap on damages recoverable against foster parents in personal injury actions
3 involving the use of a motor vehicle by a child where the liability of the foster parent is based
4 solely upon application of the family-purpose car doctrine or the negligent entrustment
5 doctrine; to provide that such cap shall be the policy limits of the applicable motor vehicle
6 liability insurance coverage, subject to conditions; to provide for definitions; to provide for
7 related matters; to provide for applicability; to repeal conflicting laws; and for other
8 purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Title 51 of the Official Code of Georgia Annotated, relating to torts, is amended by adding
12 a new chapter to read as follows:

13 "CHAPTER 17

14 51-17-1.

15 As used in this chapter, the term:

16 (1) 'Foster child' means any person under the age of 18 years who is in the care of a
17 foster parent.

18 (2) 'Foster parent' has the same meaning as in Code Section 49-5-60.

19 51-17-2.

20 In any cause of action for damages due to personal injury or death resulting from a foster
21 child's use of a motor vehicle, the damages that may be awarded in any verdict returned or
22 judgment entered against such child's foster parent based solely upon the application of the
23 family-purpose car doctrine or the negligent entrustment doctrine shall not exceed the
24 applicable policy limits of such foster parent's motor vehicle liability insurance coverage,
25 provided that such motor vehicle liability insurance coverage complied with minimum
26 coverage requirements under Chapter 34 of Title 33, the 'Georgia Motor Vehicle Accident
27 Reparations Act,' at the time of the incident giving rise to such cause of action."

28 **SECTION 2.**

29 This Act shall apply to causes of action accruing on or after July 1, 2024.

30 **SECTION 3.**

31 All laws and parts of laws in conflict with this Act are repealed.