

Senate Bill 46

By: Senators Ligon, Jr. of the 3rd, Thompson of the 14th, Beach of the 21st, Albers of the 56th, McKoon of the 29th 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 the facilitation of space flight activities in this state; to provide for definitions;  
3 to provide for exceptions; to limit the liability of space flight entities related to injuries  
4 sustained by participants who have agreed in writing to such a limitation after being provided  
5 with certain warnings; to provide for related matters; to repeal conflicting laws; and for other  
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Title 51 of the Official Code of Georgia Annotated, relating to torts, is amended by adding  
10 a new article to Chapter 3, relating to liability of landowners and occupiers of land, to read  
11 as follows:

12 "ARTICLE 4

13 51-3-41.

14 (a) As used in this article, the term:

15 (1) 'Crew member' means any employee of a space flight entity or any contractor or  
16 subcontractor of a space flight entity who performs activities directly relating to the  
17 launch, reentry, or other operation of or in a spacecraft, launch vehicle, or reentry vehicle.

18 (2) 'Launch' means a placement or attempted placement of a launch vehicle, reentry  
19 vehicle, or spacecraft in a suborbital trajectory, in Earth orbit, or in outer space, including  
20 activities involved in the preparation of a launch vehicle, reentry vehicle, or spacecraft  
21 for such placement or attempted placement.

22 (3) 'Launch vehicle' means any contrivance and its stages or components designed to  
23 operate or place a spacecraft in a suborbital trajectory, in Earth orbit, or in outer space.

24 (4) 'Local government' means a county, municipal corporation, or consolidated  
25 government of the State of Georgia.

26 (5) 'Local governmental unit' means a local government and any office, agency,  
27 department, commission, board, body, division, instrumentality, or institution thereof.

28 (6) 'Person' means an individual, proprietorship, corporation, firm, partnership,  
29 association, or other such entity.

30 (7) 'Reentry' means a return or attempt to return of a launch vehicle, reentry vehicle, or  
31 spacecraft from a suborbital trajectory, from Earth orbit, or from outer space to Earth,  
32 including activities involved in the recovery of a launch vehicle, reentry vehicle, or  
33 spacecraft.

34 (8) 'Reentry vehicle' means any contrivance and its stages or components designed to  
35 return from Earth orbit or outer space to Earth substantially intact. The term 'reentry  
36 vehicle' shall include a reusable launch vehicle.

37 (9) 'Reusable launch vehicle' means a launch vehicle that is designed to return to Earth  
38 substantially intact for use in more than one launch or that contains vehicle stages that  
39 may be recovered for future use in the operation of a substantially similar launch vehicle.

40 (10) 'Spacecraft' means any object and its components designed to be launched for  
41 operations in a suborbital trajectory, in Earth orbit, or in outer space, including, but not  
42 limited to, a satellite, a payload, an object carrying a crew member or space flight  
43 participant, and any subcomponents of the launch vehicle or reentry vehicle specifically  
44 designed or adapted for such object.

45 (11) 'Space flight activities' means activities and training in any phase of preparing for  
46 or undertaking space flight, including, but not limited to, the:

47 (A) Preparation of a launch vehicle, reentry vehicle, payload, spacecraft, crew member,  
48 or space flight participant for launch, space flight, or reentry;

49 (B) Conduct of the launch;

50 (C) Conduct occurring between the launch and reentry;

51 (D) Conduct of reentry and descent;

52 (E) Conduct of the landing;

53 (F) Conduct of post landing recovery of a launch vehicle, reentry vehicle, payload,  
54 spacecraft, crew member, or space flight participant; and

55 (G) Conduct of embarking or disembarking of a launch vehicle, reentry vehicle,  
56 payload, spacecraft, crew member, or space flight participant.

57 (12) 'Space flight entity' means:

58 (A) A person which conducts space flight activities and which, to the extent required  
59 by federal law, has obtained the appropriate Federal Aviation Administration license  
60 or other authorization, including any safety approval and a payload determination that  
61 may be required under federal law or the laws of the State of Georgia;

62 (B) A manufacturer or supplier of components, services, spacecrafts, launch vehicles,  
 63 or reentry vehicles used in space flight activities;

64 (C) An employee, officer, director, owner, stockholder, member, manager, advisor, or  
 65 partner of the entity, manufacturer, or supplier;

66 (D) An owner or lessor of real property on which space flight activities are conducted;

67 (E) A state agency or local governmental unit with a contractual relationship with any  
 68 person described in subparagraphs (A) through (D) of this paragraph; or

69 (F) A state agency or local governmental unit having jurisdiction in the territory in  
 70 which space flight activities are conducted.

71 (13) 'Space flight participant' means an individual who:

72 (A) Is not a crew member; and

73 (B)(i) Is carried aboard a spacecraft, launch vehicle, or reentry vehicle; or

74 (ii) Has indicated a desire to be carried aboard a spacecraft, launch vehicle, or reentry  
 75 vehicle as demonstrated by paying any deposit or fee required, if any, to be carried  
 76 aboard a spacecraft, launch vehicle, or reentry vehicle or by participating in any  
 77 training program or orientation session that may be required by a space flight entity.

78 (14) 'Space flight participant injury' means harm or damage sustained by a space flight  
 79 participant, including bodily harm, emotional distress, death, disability, or any other loss.

80 (15) 'State agency' means any department, commission, or other institution of the  
 81 executive branch of the government of the State of Georgia.

82 (16) 'This state' means the State of Georgia, all land and water over which it has either  
 83 exclusive or concurrent jurisdiction, and the airspace above such land and water.

84 51-3-42.

85 (a) Except as provided in subsection (b) of this Code section, a space flight entity shall not  
 86 be civilly liable to or criminally responsible for any person for a space flight participant  
 87 injury arising out of inherent risks associated with any space flight activities occurring in  
 88 or originating from this state if the space flight participant has:

89 (1) Signed the warning and agreement required by Code Section 51-3-43; and

90 (2) Given written informed consent as may be required by 51 U.S.C. Section 50905 or  
 91 other federal law.

92 (b) Nothing in this Code section shall:

93 (1) Limit liability for a space flight participant injury:

94 (A) Proximately caused by the space flight entity's gross negligence for the safety of  
 95 the space flight participant; or

96 (B) Intentionally caused by the space flight entity;

97 (2) Limit the liability of any space flight entity against any person other than a space  
 98 flight participant who meets the requirements of paragraphs (1) and (2) of subsection (a)  
 99 of this Code section;

100 (3) Limit liability for the breach of a contract for use of real property by a space flight  
 101 entity; or

102 (4) Preclude an action by the federal government, the State of Georgia, or any state  
 103 agency to enforce a valid statute or rule or regulation.

104 (c) The limitations on legal liability afforded to a space flight entity by the provisions of  
 105 this article shall be in addition to any other limitations of legal liability provided by federal  
 106 law or the laws of this state.

107 51-3-43.

108 (a) A space flight participant shall sign a warning and agreement before participating in  
 109 any space flight activity. Such warning and agreement shall include the following  
 110 language:

111 WARNING AND AGREEMENT

112 UNDER GEORGIA LAW THERE IS NO LIABILITY FOR INJURY, DEATH, OR  
 113 OTHER LOSS RESULTING FROM ANY INHERENT RISKS OF SPACE FLIGHT  
 114 ACTIVITIES. SUCH INHERENT RISKS OF SPACE FLIGHT ACTIVITIES  
 115 INCLUDE, WITHOUT LIMITATION, THE POTENTIAL FOR SERIOUS BODILY  
 116 INJURY, SICKNESS, PERMANENT DISABILITY, PARALYSIS, AND LOSS OF  
 117 LIFE; EXPOSURE TO EXTREME CONDITIONS AND CIRCUMSTANCES;  
 118 ACCIDENTS, CONTACT, OR COLLISION WITH OTHER SPACE FLIGHT  
 119 PARTICIPANTS, SPACE FLIGHT VEHICLES, AND EQUIPMENT; AND DANGERS  
 120 ARISING FROM ADVERSE WEATHER CONDITIONS AND EQUIPMENT  
 121 FAILURE.

122 I UNDERSTAND AND ACKNOWLEDGE THAT BY SIGNING THIS WARNING  
 123 AND AGREEMENT, I HAVE EXPRESSLY ACCEPTED AND ASSUMED ALL  
 124 RISKS AND RESPONSIBILITIES FOR INJURY, DEATH, AND OTHER LOSS THAT  
 125 MAY RESULT FROM THE INHERENT RISKS ASSOCIATED WITH  
 126 PARTICIPATION IN ANY SPACE FLIGHT ACTIVITIES. I FURTHER  
 127 UNDERSTAND AND AGREE THAT BY SIGNING THIS WARNING AND  
 128 AGREEMENT, I HAVE EXPRESSLY WAIVED ALL CLAIMS OF MY HEIRS,  
 129 EXECUTORS, ADMINISTRATORS, SUCCESSORS, AND ASSIGNEES FOR ANY  
 130 INJURY, DEATH, AND OTHER LOSS THAT MAY RESULT FROM MY

131 PARTICIPATION IN ANY SPACE FLIGHT ACTIVITIES DUE TO THE INHERENT  
 132 RISKS ASSOCIATED WITH PARTICIPATION IN SPACE FLIGHT ACTIVITIES.

133 FURTHER WARNING: DO NOT SIGN UNLESS YOU HAVE READ AND  
 134 UNDERSTOOD THIS WARNING AND AGREEMENT.'

135 (b) The warning and agreement under subsection (a) of this Code section shall be  
 136 considered effective and enforceable if it is:

137 (1) In writing;

138 (2) In a document separate from any other agreement between the space flight participant  
 139 and the space flight entity other than a warning, consent, or assumption of risk statement  
 140 required under federal law or under applicable laws of another state;

141 (3) Printed in capital letters in not less than 10-point bold type;

142 (4) Signed by the space flight participant;

143 (5) Signed by a competent witness; and

144 (6) Provided to the space flight participant at least 24 hours prior to such space flight  
 145 participant's participation in any space flight activity.

146 (c) A warning and agreement signed by a space flight participant that is in compliance  
 147 with the requirements of this Code section shall be considered effective and enforceable  
 148 as to the heirs, executors, administrators, successors, and assigners of the space flight  
 149 participant with respect to a space flight entity's civil liability or criminal responsibility for  
 150 a space flight participant injury to such space flight participant.

151 (d) A warning and agreement executed pursuant to this Code section shall not limit  
 152 liability for a space flight participant injury:

153 (1) Proximately caused by the space flight entity's gross negligence evidencing willful  
 154 or wanton disregard for the safety of the space flight participant; or

155 (2) Intentionally caused by a space flight entity.

156 (e) A warning and agreement executed in compliance with this Code section shall not be  
 157 deemed unconscionable or against public policy.

158 51-3-44.

159 Any litigation, action, suit, or other arbitral, administrative, or judicial proceeding at law  
 160 or equity against a space flight entity pertaining to space flight activities shall be governed  
 161 by the laws of the State of Georgia."

162 **SECTION 2.**

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