

Senate Bill 492

By: Senator Henson of the 41st

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 1 of Title 52 of the Official Code of Georgia Annotated,  
2 relating to protection of tidewaters, so as to provide for declaratory relief with regard to  
3 private claims of tidewater ownership through Crown or state grants; to provide for  
4 procedures and burden of proof; to provide for penalties; to provide for related matters; to  
5 repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 1 of Chapter 1 of Title 52 of the Official Code of Georgia Annotated, relating to  
9 protection of tidewaters, is amended by adding a new Code section to read as follows:

10 "52-1-11.

11 (a) Any person owning property abutting tidewaters which have been claimed in private  
12 ownership through a Crown or state grant may institute an action in an appropriate court  
13 for a declaratory judgment as to whether such claim is valid. The Attorney General of this  
14 state shall be served with a copy of the proceeding and shall be entitled to be heard. Any  
15 such action shall be governed by Chapter 4 of Title 9 unless otherwise provided in this  
16 Code section.

17 (b) In any action instituted pursuant to this Code section, the burden of proof shall be upon  
18 the party claiming private ownership of such tidewaters through a Crown or state grant.

19 (c) The court may award actual and punitive damages to the aggrieved party for any claim  
20 to private ownership that lacks substantial justification or that is not made in good faith or  
21 that is made with malice or a wrongful purpose, as those terms are defined in Code Section  
22 51-7-80."

23 **SECTION 2.**

24 All laws and parts of laws in conflict with this Act are repealed.