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Liability of Owners and Occupiers of Land SB 125

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TORTS

Liability of Owners and Occupiers of Land: Amend Article I of Chapter 3 of Title 51 of the Official Code of Georgia Annotated, Relating to General Provisions Regarding the Liability of Owners and Occupiers of Land, so as to Codify the Duty of a Lawful Possessor of Land to a Trespasser Against Harm; Provide for Legislative Findings; Define a Term; Provide for Related Matters; Repeal Conflicting Laws; and for Other Purposes

CODE SECTIONS:	O.C.G.A. § 51-3-3 (new)
BILL NUMBER:	SB 125
ACT NUMBER:	548
GEORGIA LAWS:	2014 Ga. Laws 351
SUMMARY:	The Act clarifies Georgia’s position on the duty owed to trespassers by owners and occupiers of land. Under the Act, owners and occupiers of land owe no duty of care to trespassers, except to refrain from causing purposeful injury. The Act also provides that the new law does not alter the attractive nuisance doctrine regarding children.
EFFECTIVE DATE:	July 1, 2014

History

Under traditional common law, the level of care that landowners and occupiers owed to those who had entered their land depended on whether the entrant was an invitee,¹ licensee,² or trespasser.³ To

1. *McGarity v. Hart Elec. Membership Corp.*, 307 Ga. App. 739, 742, 706 S.E.2d 676, 679 (2011) (“An invitee is one who, by express or implied invitation, has been induced or led to come upon premises for any lawful purpose; he may be deemed an invitee if his presence on the property is of mutual benefit to him and the owner or occupier.”).

2. *Id.* at 742, 706 S.E.2d at 679–80 (“A licensee is one who is permitted, either expressly or impliedly, to go on the premises of another, but merely for his own interest, convenience, or gratification.”).

3. *Biggs v. Brannon Square Associates*, 174 Ga. App. 13, 15–17, 329 S.E.2d 239, 241–42 (1985) (“[I]n the case of a licensee . . . the owner of the premises . . . must not wantonly or wilfully injure the

trespassers,⁴ a landowner or occupier owed a duty to not willfully or wantonly inflict injuries,⁵ although the common law carved out limited exceptions for certain groups such as children.⁶ A landowner's duty to not willfully and wantonly injure a trespasser aligns with the Second Restatement of Torts, which provides that, in general, "a possessor of land is not liable to trespassers for physical harm caused by his failure to exercise reasonable care (a) to put the land in a condition reasonably safe for their reception, or (b) to carry on his activities so as not to endanger them."⁷ Today, Georgia law follows the common law's tripartite analysis and the Second Restatement.

The common law's tripartite categories appear simple, but an examination of Georgia's case law interpreting the tripartite regime reveals many nuances. For instance, courts have held that an entrant may be an invitee on one part of a premises and yet a licensee or

licensee . . . [I]t is usually wilful or wanton not to exercise ordinary care to prevent injuring a person who is actually known to be, or may reasonably be expected to be, within the range of a dangerous act being done or a hidden peril on one's premises. . . . Unlike liability to a mere trespasser, it is clear that a landowner may be liable to a licensee for certain dangers created by natural as well as artificial conditions on his property." (internal quotation marks omitted); *Atkins v. Tri-Cities Steel, Inc.*, 166 Ga. App. 349, 350, 304 S.E.2d 409, 411 (1983) ("Under OCGA 51-3-2 (Code Ann. § 105-402), the owner or proprietor of the premises is liable only for wilful or wanton injury to a licensee whereas under OCGA § 51-3-1 (Code Ann. § 105-401) the landowner or occupier owes an invitee the duty to exercise ordinary care in keeping the premises safe. The duty owed to a trespasser is not to wilfully and wantonly injure him."); RESTATEMENT (THIRD) OF TORTS § 51 (2012); Ann Fievet, *Breaking the Law and Getting Paid for It: How the Third Restatement of Torts Synthesizes Two Distinct Standards of Care Owed to Trespassers*, 44 WAKE FOREST L. REV. 239 (2009) ("[T]he traditional common-law categories . . . divided entrants onto another's land into three groups: invitees, licensees, and trespassers.").

4. *Jones v. Barrow*, 304 Ga. App. 337, 338, 696 S.E.2d 363, 365 (2010) ("A trespasser is one who, though peacefully or by mistake, wrongfully enters upon property owned or occupied by another.").

5. O.C.G.A. § 51-3-2 (2000 & Supp. 2014); *Rome Furnace Co. v. Patterson*, 120 Ga. 521, 48 S.E. 166, 166-67 (1904) ("It is evident, therefore, that the defendant owed the plaintiff no duty, so far as the condition of the premises was concerned, when he entered."); *Craig v. Bailey Bros. Realty, Inc.*, 304 Ga. App. 794, 798, 697 S.E.2d 888, 892 (2010) ("[A] landowner owes only a minimal duty to a trespasser: to avoid wilfully or wantonly injuring him or her."); *Atkins*, 166 Ga. App. at 350, 304 S.E.2d at 411 ("The duty owed to a trespasser is not to wilfully and wantonly injure him."); see generally *Leach v. Inman*, 63 Ga. App. 790, 12 S.E.2d 103 (Ga. Ct. App. 1940).

6. The attractive nuisance doctrine—a limited exception pertaining to children—broadened the duty that landowners and occupiers owed to trespassers. *Biggs*, 174 Ga. App. at 14, 329 S.E.2d at 241 ("The theory of attractive nuisance arose to protect *trespassing children* in circumstances where their presence could be reasonably anticipated and measures to protect them could be undertaken without placing a heavy burden upon the owner's unrestricted use of his land.") (alteration in original) (citations omitted) (internal quotation marks omitted); RESTATEMENT (THIRD) OF TORTS § 51 (2012).

7. RESTATEMENT (SECOND) OF TORTS § 333 (1965).

trespasser on other parts of the premises.⁸ In addition, courts generally hold that a landowner or occupier is under no duty to anticipate a trespasser's presence.⁹ And where a landowner or occupier neither knows of the trespasser's presence nor the danger, no duty arises to maintain the premises.¹⁰ However, a landowner or occupier may not lay a trap with the intent to harm trespassers.¹¹

In contrast to the American Law Institute's (ALI) position that is reflected in the Second Restatement and Georgia's cases, ALI's Third Restatement of Torts, published in 2009, adopted a "unitary duty of reasonable care"¹² for entrants on the land.¹³ Under the unitary standard, "a landowner is liable to any person injured on her premises as long as the plaintiff can prove that the landowner breached the reasonable care standard and caused the plaintiff's injuries."¹⁴

Many jurisdictions have adopted a unitary standard. For example, the Mississippi Supreme Court in *Handy v. Nejam* adopted the standard after considering the states that have, as the court stated, moved "firmly in line with modern tort law that generally requires persons to exercise reasonable care to prevent or avoid reasonably foreseeable harm."¹⁵ The *Handy* court found persuasive "the inescapable logic that the adoption of such a standard is efficient and beneficial to the administration of justice."¹⁶ Mississippi is not alone in its adoption of the unitary standard; Alaska, California, the District

8. *Piggly Wiggly, Macon Inc. v. Kelsey*, 83 Ga. App. 526, 530, 64 S.E.2d 201, 204 (1951).

9. *Norris v. Macon Terminal Co.*, 58 Ga. App. 313, 198 S.E. 272, 275 (1938) ("As a general rule, one is not bound to anticipate the presence of trespassers on private property, but is, on the other hand, entitled to assume that other persons will obey the law, and not trespass.")

10. *Leach*, 63 Ga. App. at 790, 12 S.E.2d at 105.

11. *Patterson*, 120 Ga. at 521, 48 S.E. at 167 ("[E]ven as a trespasser, he would have the right to recover for any injuries sustained by him in consequence of the defendant having negligently and recklessly set in motion any destructive agency or force, the natural tendency of which would be to imperil his life"); *Jarrell v. JDC & Assocs., LLC*, 296 Ga. App. 523, 526, 675 S.E.2d 278, 281 (2009) ("The doctrine of mantrap or pitfall rests upon the theory that the owner expects a licensee or trespasser and has prepared the premises to cause that person harm.")

12. *Collins v. Altamaha Elec. Membership Corp.*, 151 Ga. App. 491, 492, 260 S.E.2d 540, 541-42 (1979) ("Ordinary care is that reasonable care and caution which an ordinarily cautious and prudent person would exercise under the same or similar conditions. The scope of this duty is dependent on the attendant circumstances.") (internal citations omitted).

13. RESTATEMENT (THIRD) OF TORTS § 51 (2012) (describing the traditional "status-based duties for land possessors [as] not in harmony with modern tort law" and rejecting status-based duties altogether).

14. *Fievet*, *supra* note 3.

15. *Handy v. Nejam*, 111 So. 3d 610, 617 (Miss. 2013).

16. *Id.*

of Columbia, Hawaii, Louisiana, Montana, Nevada, New Hampshire, and New York have also adopted it.¹⁷ Some states have carved out a middle position by eroding the difference between invitees and licensees. These states include Florida, Illinois, Iowa, Kansas, Maine, Massachusetts, Minnesota, Nebraska, New Mexico, North Carolina, North Dakota, Oregon, Rhode Island, Tennessee, West Virginia, Wisconsin, and Wyoming.¹⁸

Georgia has rejected the position reflected in ALI's Third Restatement.¹⁹ In 2013, Senator Jesse Stone (R-23rd) introduced Senate Bill (SB) 125 to reject the unitary standard and to codify the traditional status-based duties, especially those regarding trespassers, to ensure landowners are protected from liability.²⁰

Bill Tracking of SB 125

Consideration and Passage by the Senate

Senators Jesse Stone and Steve Gooch (R-51st) sponsored SB 125.²¹ The Senate read the bill for the first time on February 8, 2013 and it was referred to the Senate Judiciary Committee the same day.²² The Judiciary Committee favorably reported a Committee substitute on February 21, 2013.²³

The Committee substitute made only one significant change from the original version: it made owners or occupiers of land liable to child trespassers only in the case of an artificial condition, rather than

17. *Id.*

18. *Id.*; Rowland v. Christian, 443 P.2d 561, 568 (Cal. 1968); Gould v. DeBeve, 330 F.2d 826, 829–830 (D.C. Cir. 1964); Anderson v. Anderson, 59 Cal. Rptr. 342, 345 (Cal. Ct. App. 1967); Taylor v. NJ Highway Auth., 126 A.2d 313, 317 (N.J. 1956); Scheibel v. Lipton, 102 N.E.2d 453, 462–63 (Ohio 1994); Potts v. Amis, 384 P.2d 825, 830–31 (Wash. 1963); SB 125, § 1, p. 1, ln. 8–15, 2014 Ga. Gen. Assem.

19. RESTATEMENT (THIRD) OF TORTS § 50–52 (2012).

20. SB 125 (LC 33 4996), §1, p. 1, ln. 11–13, 2013 Ga. Gen. Assem.; Press Release, Georgia State Senate, Senate Passes Bill to Preserve Trespassing Laws (February 25, 2013), <http://senatepress.net/senate-passes-bill-to-preserve-trespassing-laws.html> (“There have been a handful of states that have protected trespassers, making landowners liable for trespassers. Senate Bill 125 would maintain Georgia’s current laws that trespassers, by virtue of trespassing, have no right to sue landowners.”).

21. SB 125, as introduced, 2013 Ga. Gen. Assem.; Georgia General Assembly, SB 125, Bill Tracking, <http://www.legis.ga.gov/legislation/en-US/Display/20132014/SB/125>.

22. State of Georgia Final Composite Status Sheet, SB 125, May 1, 2014.

23. *Id.*

any condition likely to entice children onto the land.²⁴ All other changes in the Committee substitute were stylistic. For example, the Committee divided subsection (a) into subsections (a) and (b), providing a separate definition that helped to clarify the section.²⁵ The Senate read the bill for a second time on February 22, 2013.²⁶ After a third reading on February 25, 2013, the Senate passed the Committee substitute by a vote of 51 to 0.²⁷

Consideration and Passage by the House

Representative Tom Weldon (R-3rd) sponsored the bill in the House.²⁸ The House read the bill for the first time on February 26, 2013, and read the bill a second time on February 27, 2013.²⁹ The bill was referred to the House Judiciary Committee.³⁰ Judiciary Committee Chairman Wendell Willard spoke with the bill sponsors and all agreed to hold the bill for nearly one year while the House of Representatives further researched the issue.³¹ Georgia State University Professor Mary Radford and Elizabeth Hornbrook, a third-year student at the Georgia State University College of Law, provided a memorandum to Chairman Willard detailing the alternative approaches available to the Committee.³² The analysis influenced Chairman Willard, who felt a definite need for codification.³³ The Committee favorably reported a substitute on January 31, 2014.³⁴

24. Compare SB 125, as introduced, § 1, p. 1–2, ln. 17–26, 2013 Ga. Gen. Assem., with SB 125 (LC 29 5488S), § 1, p. 1–2, ln. 17–26, 2013 Ga. Gen. Assem.

25. Compare SB 125, as introduced, § 1, p. 1–2, ln. 17–26, 2013 Ga. Gen. Assem., with SB 125 (LC 29 5488S), § 1, p. 1–2, ln. 17–26, 2013 Ga. Gen. Assem.

26. State of Georgia Final Composite Status Sheet, SB 125, May 1, 2014.

27. *Id.*; Georgia Senate Voting Record, SB 125 (Feb. 25, 2014).

28. See Georgia General Assembly, SB 125, Bill Tracking, <http://www.legis.ga.gov/legislation/en-US/Display/20132014/SB/125>.

29. State of Georgia Final Composite Status Sheet, SB 125, May 1, 2014.

30. *Id.*

31. See Telephone Interview with Brandi Bazemore, Deputy Legal Counsel, Office of the Majority Leader, Rep. Larry O’Neal (August 14, 2014) [hereinafter Bazemore Interview].

32. See generally Memorandum from Mary F. Radford and Elizabeth Hornbrook, Codifying Current Georgia Law: Trespasser Responsibility (2013–14) (on file with Georgia State University Law Review).

33. Bazemore Interview, *supra* note 31.

34. State of Georgia Final Composite Status Sheet, SB 125, May 1, 2014.

The Committee made significant stylistic changes by reconstructing the layout of the bill. For example, the proposed changes to the bill included a new section regarding the General Assembly's intent and purpose of the bill.³⁵ Additionally, the House Committee subsumed the previous version's lengthy description creating an exception for children into a concise subsection regarding the attractive nuisance doctrine.³⁶ Susie Womick, Counsel to the Judiciary Committee at the House of Representatives, stated that Committee members attempted to codify an exception to protect child trespassers.³⁷ Due to the complexity involved in codifying the exception, the Committee ultimately deferred to the courts and codified the judge-made exception known as the attractive nuisance doctrine.³⁸

The bill was read in the House for a third time on February 18, 2014 and the House passed the substitute bill by a vote of 167 to 0 on the same day.³⁹ On March 20, 2014, the Senate agreed to the House amendments by a vote of 48 to 0.⁴⁰ The bill was sent to the Governor on March 27, 2014 and signed into law on April 21, 2014.⁴¹

The Act

The Act amends Title 51 of the Official Code of Georgia Annotated with the purpose of codifying Georgia's common law status-based duties owed by possessors of land to trespassers and expressly preserving Georgia courts' continued application of the attractive nuisance doctrine.⁴²

Section One of the Act highlights the General Assembly's findings and intent surrounding its decision to codify Georgia's common law position on premises liability, finding that "the provisions of [ALI's]

35. SB 125 (HCS), § 1, p. 1, ln. 7–15, 2014 Ga. Gen. Assem.

36. Compare SB 125, as passed in Senate, § 1(c), p. 1–2, ln. 15–29, 2013 Ga. Gen. Assem., with SB 125 (HCS), § 2(c), p. 2, ln. 25–6, 2014 Ga. Gen. Assem.

37. See Telephone Interview with Susie Womick, Counsel to the Judiciary Committee at the Georgia House of Representatives (Aug. 13, 2014) [hereinafter Womick Interview].

38. See Womick Interview, *supra* note 37.

39. State of Georgia Final Composite Status Sheet, SB 125, May 1, 2014; Georgia House of Representatives Voting Record, SB 125 (Feb. 18, 2014).

40. Georgia Senate Voting Record, SB 125 (Mar. 20, 2014).

41. State of Georgia Final Composite Status Sheet, SB 125, May 1, 2014.

42. 2014 Ga. Laws 351.

Restatement of the Law Third, Torts: Liability for Physical and Emotional Harm, §§ 50-52 (2012), which seek to impose broad new duties on those who own, occupy, or control premises, including the duty to exercise reasonable care to all trespassers, do not reflect the public policy of the State of Georgia.”⁴³ Section One also explicitly states the General Assembly’s intent “to preserve the attractive nuisance doctrine and Georgia common law as it relates to the attractive nuisance doctrine.”⁴⁴

Section Two of the Act adds a new section to Title 51 of the Code, codified as section 51-3-3.⁴⁵ Code section 51-3-3(a) defines the term “possessor of land” as used throughout the section.⁴⁶ Subsection (b) codifies the common law standard, whereby a “lawful possessor of land owes no duty of care to a trespasser except to refrain from causing a willful or wanton injury.”⁴⁷ The remaining subsections clarify the General Assembly’s positions on preserving the attractive nuisance doctrine and availability of immunities from and defenses to civil suits for possessors of land.⁴⁸

Analysis

Policy Considerations

Some scholars view the Third Restatement as the latest development—but perhaps not an inevitable evolution⁴⁹—in the softening of a “harsh” common law rule that has unfolded over two centuries.⁵⁰ In fact, Georgia’s own attractive nuisance doctrine grew out of an attempt to ameliorate the harsh results that followed from the “no duty” rule.⁵¹

43. 2014 Ga. Laws 351 § 1, at 351.

44. *Id.*

45. O.C.G.A. § 51-3-3 (Supp. 2014).

46. *Id.*

47. *Id.*

48. *Id.*

49. George C. Christie, *A Comment on Restatement Third of Torts’ Proposed Treatment of the Liability of Possessors of Land*, 37 WM. MITCHELL L. REV. 1485–86 (2011).

50. *Id.* at 1485–86 (“Over time, this harsh treatment of trespassers was subjected to some amelioration.”).

51. *See id.* at 1486 (“[T]he doctrine of attractive nuisance was developed in the nineteenth century to impose on possessors of land a duty to exercise reasonable care to trespassing children in some circumstances.”).

Other scholars have called Chapter Nine of the Third Restatement, which imposed an affirmative duty on landowners to exercise reasonable care, one of its “most controversial” parts.⁵² In sharp contrast to the Third Restatement, the Second Restatement provided that a landowner or occupier owes no affirmative duty to a trespasser.⁵³ The public policy aim of the Second Restatement’s position seeks to allow landowners “the free use of the private property” while shielding them from “responsibility or liability for injuries to those who would ignore such privacy interests, enter without authority, and proceed to injure themselves as a result.”⁵⁴ Further, the Second Restatement’s rule “discourages trespass and promotes personal responsibility; interests that would be severely undermined if an injured trespasser could later hold the property owner liable for any injuries.”⁵⁵ Some argue that the Third Restatement will create uncertainty by allowing “courts to revisit, reshape, and create affirmative tort duties.”⁵⁶ By broadening the duties owed by landowners and occupiers, the Third Restatement may give rise to new claims that may place further strain on already heavily burdened court dockets.⁵⁷

Reaction to Court Decisions

In addition to SB 125’s policy underpinnings, the General Assembly may also be reacting to the trend by some courts to collapse the common law distinctions among invitees, licensees, and trespassers.⁵⁸ Two recent Georgia cases, *Bethany Group, LLC v. Grobman*⁵⁹ and *Wojcik v. Windmill Lake Apartments*,⁶⁰ held—without determining whether the victim was an invitee, licensee, or trespasser—that property owners could incur liability for failure to

52. Victor E. Schwartz & Christopher E. Appel, *Reshaping the Traditional Limits of Affirmative Duties Under the Third Restatement of Torts*, 44 J. MARSHALL L. REV. 319, 344 (2011).

53. RESTATEMENT (SECOND) OF TORTS § 333 (1965).

54. Schwartz & Appel, *supra* note 52, at 344–45.

55. *Id.* at 345.

56. *Id.* at 346.

57. *Id.* at 347–48.

58. *See* cases cited *supra* note 18.

59. *Bethany Group, LLC v. Grobman*, 315 Ga. App. 298, 727 S.E.2d 147 (2012).

60. *Wojcik v. Windmill Lake Apartments, Inc.*, 284 Ga. App. 766, 768–769, 645 S.E.2d 1 (2007).

exercise ordinary care in keeping the premises safe.⁶¹ In *Grobman*, a taxi driver was killed after being dispatched to pick up a passenger.⁶² Because the court was unable to identify the person who requested the cab, the court could not determine whether the driver had “a business relationship with an occupier of the land, or whether another individual with no relationship to Bethany lured him to the complex.”⁶³ The court cited *Wojcik*, where the court utilized an invitee analysis—without expressly determining invitee status—“to address the duty owed to a pizza delivery man, who was robbed and strangled in a vacant apartment by a tenant’s guest, who called for the pizza.”⁶⁴ *Grobman* and *Wojcik* offer two examples of cases in which the collapse of the common law’s distinctions may lead to increased liability for landowners, a result that the General Assembly has sought to avoid.⁶⁵

Support from the Business Community

In addition to these concerns, SB 125 has enjoyed strong support from Georgia’s business community. For instance, the Georgia Chamber of Commerce strongly supported SB 125’s passage.⁶⁶ The Chamber stated that SB 125 “is an essential tool to protect property owners from unfair and unwarranted litigation brought by criminals.”⁶⁷ The Chamber considered SB 125 one of its “legislative priorities” and tracked how members voted on its passage.⁶⁸ In addition, both the National Federation of Independent Businesses

61. *Bethany Group, LLC*, 315 Ga. App. at 299–300, 727 S.E.2d at 149; *Wojcik*, 284 Ga. App. 766, 645 S.E.2d at 3.

62. *Bethany Group, LLC*, 315 Ga. App. at 298, 727 S.E.2d at 147.

63. *Id.* at 149.

64. *Id.* at 149 n.3.

65. Press Release, Georgia State Senate, Senate Passes Bill to Preserve Trespassing Laws (Feb. 25, 2013), <http://senatepress.net/senate-passes-bill-to-preserve-trespassing-laws.html>.

66. *2014 Scorecard Tracker*, Ga. Chamber of Commerce, <http://www.gachamber.com/scorecard/> (last visited July 1, 2014).

67. *Id.*

68. *Legislative Priorities*, Ga. Chamber of Commerce, <http://www.gachamber.com/Legislative-Agenda.legagenda.0.html> (last visited July 1, 2014); *2014 Scorecard Tracker*, Ga. Chamber of Commerce, <http://www.gachamber.com/scorecard/> (last visited July 1, 2014); *2014 Legislative Scorecard*, Ga. Chamber of Commerce, http://www.gachamber.com/uploads/2014_Scorecard_for_Website.pdf.

(NFIB)⁶⁹ and the Georgia Banker's Association supported SB 125's passage.⁷⁰ The Georgia Railroad Association likewise indicated its support, stating "[t]his bill protects railroads from the national trend of expanding the duties owed when trespassers are injured on railroad property. Under the language of the bill, railroads owe trespassers no duty other than to not cause 'wilful' and 'wanton' harm."⁷¹

General Assembly members who supported SB 125's passage echoed the business community's concern that the Third Restatement's unitary standard could harm landowners. For instance, Representative Christian Coomer (R-14th) stated "[b]efore SB 125 was passed . . . anyone who made an unlawful entry into a storage or shipping container and was later injured there or while attempting to 'escape with merchandise' would be able to bring a lawsuit against the container's owner."⁷² Representative Coomer also stated "even a person who might be there without the invitation of the owner, they still have some protections in the law. But if they're there for an unlawful purpose, then in that case they would not be able to bring a lawsuit if they are injured."⁷³ Senator Jesse Stone, the sponsor of SB 125, stated that "[t]here have been a handful of states that have protected trespassers, making landowners liable for trespassers. SB 125 would maintain Georgia's current laws that trespassers, by virtue of trespassing, have no right to sue landowners."⁷⁴

William Rooks and Caitlin Dorné

69. *NFIB Scores Big For Small Businesses in 2014: General Assembly*, NAT'L FED'N OF INDEP. BUS., (Mar. 20, 2014), <http://www.nfib.com/article/nfib-scores-big-wins-for-small-business-in-2014-general-assembly-65129/> ("NFIB supported the bill.").

70. *GBA Legislative Update*, GEORGIA BANKER'S ASS'N, (Mar. 29, 2013), http://www.gabankers.com/e-Leg_Updates/2013%20Legislative%20Updates/legisupdatemar292013.htm (last visited July 1, 2014) ("Land holders would owe no duty of care for adult trespassers other than to refrain from causing willful or wanton injury. A possessor of land may be subject to liability for physical injury or death to a child trespasser under certain situations. The legislation would apply to bank ORE property.").

71. *2014 Wrap-up Report*, GEORGIA RAILROAD ASS'N, <http://www.georgiarailroad.org/downloads/GRA-Final-Legislative-Report-March-28-2014.pdf> (last visited July 1, 2014).

72. Jason Lowrey, *Bartow Representatives, Senators Get 'A' Grade from Georgia Chamber of Commerce*, DAILY TRIBUNE NEWS (May 2014), http://www.daily-tribune.com/view/full_story/25087130/article-Bartow-representatives—senators-get—A—grade-from-Georgia-Chamber-of-Commerce.

73. *Id.*

74. Press Release, Georgia State Senate, Senate Passes Bill to Preserve Trespassing Laws (Feb. 25, 2013), <http://senatepress.net/senate-passes-bill-to-preserve-trespassing-laws.html>.