

Legal Update | Georgia Enacts Historic Tort Reform Legislation

April 22, 2025

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On April 21, 2025, Governor Brian Kemp signed two significant tort reform bills into law—Senate Bill 68 (SB 68) and Senate Bill 69 (SB 69)—marking a milestone in Georgia’s civil litigation landscape.

Senate Bill 68: Comprehensive Tort Reform Now in Effect

SB 68, sponsored by Senate President Pro Tempore John Kennedy, is the centerpiece of Governor Kemp’s tort reform initiative. Unlike most legislation, SB 68 takes effect immediately upon signing. The bill introduces wide-ranging reforms aimed at balancing the civil justice system, reducing excessive litigation costs and curbing abuse.

Key Provisions Under SB 68:

- **Seat Belt Nonuse Admissibility:** OCGA 40-8-76.1 (relating to use of safety belts in passenger vehicles) is amended by SB 68. Previously seat belt non-use was inadmissible; now it is admissible.
- **Negligent Security Reform:** SB 68 narrows the scope of liability for property owners by introducing a new foreseeability standard based on particularized warnings of imminent wrongful acts, rather than general crime statistics. This shall apply only with respect to causes of action arising on or after the effective date of this Act, and any prior causes of action shall be governed by prior law.
- **Phantom Damages Reform:** Plaintiffs can now recover only the reasonable value of medical expenses, allowing juries to evaluate actual market-based treatment costs rather than inflated amounts. This shall apply only with respect to causes of action arising on or after the effective date of this Act, and any prior causes of action shall be governed by prior law.
- **Elimination of Double Recovery for Attorneys’ Fees:** The new OCGA § 9-15-16 prohibits plaintiffs from recovering attorneys’ fees or litigation costs more than once under overlapping statutes.
- **Bifurcation & Trifurcation of Trials:** Trials may now be split into two or three phases—liability, compensatory damages and then punitive damages and attorneys’ fees—streamlining complex litigation and limiting prejudicial impacts.
- **Anti-Anchoring Rule:** Designed to prevent plaintiffs from suggesting inflated damage amounts solely to anchor juror expectations.
- **Civil Procedure Updates:** Plaintiffs’ ability to voluntarily dismiss a case without penalty has been curtailed. The new rule also stays most discovery proceedings until a judge rules on a motion to dismiss, aligning Georgia more closely with federal standards.

Senate Bill 69: Transparency in Third-Party Litigation Funding

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SB 69 introduces new transparency requirements around third-party litigation funding. The law aims to ensure all parties—and the courts—are aware when external investors are backing a lawsuit, improving fairness and reducing hidden influence in civil litigation.

What This Means for Businesses and Insurers

These legislative changes signal a significant shift in how civil cases will be litigated and defended in Georgia. SB 68 and SB 69 offer new tools to curb excessive claims and litigation costs, while promoting a more predictable legal environment for businesses, insurers and property owners. The reforms to negligent security and the "reasonable value of medical expenses" components of the new law will apply immediately to all causes of action arising April 21, 2025 forward, while the other components of the tort reform package will immediately go into effect and will apply to both existing and future lawsuits.

The press release on behalf of Governor Brian Kemp may be found [here](#).

Questions? Click [here](#) to contact an MGC attorney.

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