



Member Newsletter

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Georgia Tort Reform: What SB 68 Means for Gas Station and C-Store Owners

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In April 2025, Governor Brian Kemp signed Senate Bill 68 into law. For convenience store and gas station operators, it is the most significant change to premises liability law in a generation. The new law makes it harder for plaintiffs to win “negligent security” lawsuits, the claims that seek to hold a store responsible when a customer is hurt by a criminal on the property. Here is what every member should know.

What Is Tort Reform?

Tort reform refers to changes in how the civil justice system handles personal injury lawsuits. Organized retail crime is on the rise, and it is not just about theft; it has brought a significant increase in violence. More violent crime has meant more premises liability lawsuits, and juries have returned large verdicts against retailers for alleged lack of security. Those verdicts, combined with rising liability insurance costs, created the push for reform.

Why Georgia Needed Reform

Supported by the business community and the insurance industry, tort reform aims to bring down outsized jury awards in premises liability cases and, with them, the cost of liability insurance for Georgia businesses.

The case that became the rallying cry was Carmichael v. CVS. A customer suffered serious, permanent injuries in a shooting in a southwest Atlanta CVS parking lot, and a Fulton County jury awarded about \$43 million, a verdict the Georgia Court of Appeals affirmed in 2021. The jury assigned 95% of the fault to CVS and 5% to the plaintiff. The shooter, whose intentional act caused the injury, was assigned no fault at all. Many viewed that result as unfair to the business, and it drove the effort to change the law.

Who Is Covered?

The law protects anyone who owns, leases, operates, or manages property, including store owners and operators. It creates a specific statutory framework for negligent security claims and narrows when a business can be held liable for crimes committed on its premises. The burden is now on the plaintiff to prove the elements the statute requires.

Timing: the negligent security provisions apply to claims arising on or after April 21, 2025, the date the Governor signed the bill.

When Can a Store Still Be Held Liable?

A store owner will not automatically be found liable when someone is injured on the property. For a customer (an “invitee”), the plaintiff must now prove all of the following:

1. The criminal conduct was reasonably foreseeable, generally because the owner or operator had a particularized warning of imminent criminal conduct, or because of prior substantially similar crimes on or near the property;
2. The injury was a foreseeable result of that conduct;
3. The crime was connected to a known hazardous condition on the property that created a higher-than-normal risk;
4. The owner or operator failed to exercise ordinary care to address that condition or keep the premises safe; and
5. That failure was the proximate cause of the injury.

The law also makes clear that owners are not required to use extraordinary care or to take on the role of law enforcement. In short, operators are exposed when they ignore known, foreseeable threats, not simply because a crime happened on their lot.

When Are Retailers Protected?

The law focuses on what an operator can actually control. It bars recovery against the business, and its insurer, in several situations, including when:

1. The injured person was a trespasser;
2. The injury occurred off the premises, or where the owner had no legal authority to exclude the wrongdoer;
3. The injured person was committing a felony or a theft-related misdemeanor when injured;
4. The wrongdoer was a tenant, or a tenant’s guest, who was being evicted; or
5. The owner or operator made a reasonable effort, such as calling 911, to notify law enforcement of a specific threat of imminent harm.

That last defense matters for every store. When an employee sees a specific threat developing, a prompt call to police is not only good practice; it can be a complete defense to a later lawsuit.

Fairer Apportionment of Fault

In the CVS case, the shooter bore no share of the blame. Going forward, the jury must reasonably apportion fault among the business operator, the criminal, and any other responsible parties. If a jury assigns less fault to the criminal than to the business, the law presumes the apportionment is

unreasonable, and if the jury fails to apportion fault reasonably, the court must set aside the verdict and order a new trial.

The law also keeps certain arguments away from the jury, including the financial resources of the parties and how apportionment will affect the plaintiff's recovery. Together, these rules reduce the share of damages a business or its insurer must pay and keep a store from being held more responsible than the person who committed the crime.

What Members Should Do Now

The law does not expect store owners to act as law enforcement, but owners cannot ignore criminal activity on their property. Practical steps that will help in defending a claim:

- **Adopt a written security plan** for each location and review it regularly.
- **Document incidents and responses**, including calls to police and steps taken afterward.
- **Work with local law enforcement** when problems arise, and keep a record of that cooperation.
- **Maintain a quality surveillance system** that deters crime and preserves evidence.
- **Take warnings seriously.** A specific threat or a pattern of similar crimes is exactly what a plaintiff will try to prove you knew about.
- **Train employees to call 911** when they see a specific threat of imminent harm, and keep the call records.

Being able to show that you did not ignore threats, and that you worked to keep a safe business environment, will go a long way toward minimizing claims and damages. Whether liability insurance premiums will come down remains to be seen.

United C-Stores at Work

ARA and PBA, members of United C-Stores, supported and advocated for Georgia's tort reform legislation. United C-Stores will continue to represent the interests of convenience store owners and operators at the Capitol and in local government across Georgia.



Gov. Brian Kemp signs tort reform legislation at the State Capitol on April 21, 2025. (Courtesy Governor's Office)

Questions? Contact United C-Stores

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