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Moultrie-Colquitt County Parks and Recreation Authority v. Dekle

Court of Appeals of Georgia - October 14, 2026 - S.E.2d - 2026 WL 3071422

Driver of utility vehicle injured in collision while driving on bike path brought negligence action against local parks and recreation authority that maintained path.

The Superior Court denied authority's motion to dismiss based on sovereign immunity. Authority appealed.

The Court of Appeals held that:

- Authority's enabling legislation afforded authority same immunity granted to State, and
- Authority's immunity was not waived under Georgia Tort Claims Act (GTCA).

Enabling legislation of local parks and recreation authority unambiguously afforded authority same immunity granted to State, and thus trial court improperly construed enabling legislation of local parks and recreation authority to conclude that it was not a "department or agency" entitled to sovereign immunity under Georgia Constitution, in negligence action by driver of utility vehicle injured in collision on bike path maintained by authority; court was not required to determine whether authority was "agency or department" of State, since plain and ordinary meaning of enabling legislation that authority had "same immunity and exemption from liability for torts and negligence as the State of Georgia" conferred on authority same immunity as State.

Local parks and recreation authority's immunity was not waived under Georgia Tort Claims Act (GTCA), and thus authority was immune from negligence claim brought by driver of utility vehicle injured in collision on bike path maintained by authority; GTCA, which waived immunity of State, expressly excluded local authorities from its definition of "the State," and there was nothing in GTCA waiving authority's sovereign immunity.