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LIABILITY - GEORGIA

Georgia Regional Transp. Authority v. Foster

Court of Appeals of Georgia - October 10, 2014 - S.E.2d - 2014 WL 5068706

Injured bus passenger brought personal injury action against Regional Transit Authority. The State Court denied Regional Transit Authority's motion for judgment on the pleadings, which was based on the statute of limitations. Regional Transit Authority applied for interlocutory appeal, which was granted.

The Court of Appeals held that tolling provision applicable to claims against municipal corporations did not apply.

Statute tolling limitations period applicable to claim against municipal corporation during time demand for payment is pending did not apply to injured bus passenger's personal injury claim against Regional Transit Authority, even though Tort Claims Act stated that other tolling provisions were applicable to claims brought under Act. Only tolling provisions that could be harmonized with Act were applicable, and tolling provision could not be harmonized since its purpose was to encourage municipal compliance with statutory 30-day deadline to reply to demands for payment, while state agencies like Regional Transit Authority had no corresponding obligation to respond to ante litem notices.