

# **Bond Case Briefs**

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## **IMMUNITY - GEORGIA**

### **Tift County School Dist. v. Martinez**

**Court of Appeals of Georgia - March 20, 2015 - S.E.2d - 2015 WL 1260071**

Mother of student filed negligence suit against county school district, school bus driver, and motorist who fatally struck student when he was attempting to board bus. The trial court denied district and bus driver's motion for summary judgment filed on sovereign immunity grounds. District and bus driver appealed.

The Court of Appeals held that:

- District waived immunity under statute, and
- Potential liability was limited to amount and scope of motor vehicle insurance coverage.

County school district was "any other political subdivision" of the State, and thus, its immunity was waived under statute providing for waiver of sovereign immunity for a municipal corporation, a county, or any other political subdivision of State for accidents arising from operation of its motor vehicles to the extent of coverage of motor vehicle insurance purchased, even though school districts were excluded from waiver of immunity under other circumstances. If General Assembly had intended to exclude school districts from statutory waiver of immunity, it could have used explicit language it had already employed, but it instead retained the different, more inclusive language.

County school district's potential liability to mother arising from death of son, who was hit by automobile while attempting to board school bus, was limited to amount and scope of district's motor vehicle coverage in effect, rather than to every case of negligence, under statute waiving immunity for injuries sustained in accidents arising from operation of district's motor vehicles only while insurance was in force and only to extent of limits or coverage of insurance policy.