1Georgia Injury Lawyers Addresses Impact of Senate Bill 68 on Georgia Personal Injury Cases

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LAWRENCEVILLE, GA - June 16, 2026 -
1Georgia Injury Lawyers has released comprehensive guidance for Georgia personal injury victims navigating the retroactive changes introduced by Senate Bill 68, which fundamentally alters how pain and suffering damages can be argued in premises liability and slip and fall cases across the state.

The legislation, signed April 21, 2025, retroactively revised O.C.G.A. § 9-10-184, the statute governing how pain and suffering damages can be argued to a jury. The revision requires that any specific dollar amounts for non-economic damages be rationally related to the evidence presented at trial and restricts when those arguments can be made to closing arguments only. This change applies to all pending cases immediately, regardless of when the injury occurred.

The new restrictions compound existing challenges for premises liability victims in Georgia. The state's open-and-obvious doctrine holds that property owners may not be liable for hazards that a reasonable person would have seen and avoided. Insurance adjusters now pair this longstanding defense with SB 68's new pain

and suffering argument restrictions, simultaneously challenging whether the property owner owed a duty and limiting how attorneys can communicate the severity of the victim's injuries if the case proceeds.

"Georgia's open-and-obvious doctrine was already one of the most frequently raised defenses in premises liability cases," stated a Firm Representative for 1Georgia personal injury lawyer. "SB 68's retroactive revision to how pain and suffering can be argued gives insurance carriers a compounding tool. They can challenge whether the hazard was open and obvious at the duty phase, and if that fails, restrict how the victim's attorneys can communicate the severity of the injury at the damages phase."

The legislation also restricts the double recovery of attorney fees in Georgia personal injury cases, eliminating the previously available combination of bad faith claims and O.C.G.A. § 13-6-11 fees that previously created financial pressure on insurance carriers to settle legitimate claims rather than litigate. This change fundamentally alters the settlement calculus for Georgia premises liability and personal injury cases statewide.

The impact is significant given the scope of premises liability incidents in Georgia. The Georgia Bureau of Investigation documented more than 150,000 total incidents involving injury on another's property across Georgia in recent years, encompassing slip and fall claims, dog bites, swimming pool accidents, inadequate maintenance injuries, and negligent security cases, all now subject to SB 68's revised procedural framework.

Slip and fall injuries in Georgia result in an average of $30,000 to $50,000 in medical expenses for moderate injuries, rising significantly for cases involving fractured hips, spinal compression, or traumatic brain injuries. The combination of the open-and-obvious doctrine and SB 68's pain and suffering restrictions means attorneys representing Georgia premises liability victims must build more rigorous evidentiary records than the law previously required.

Additionally, while Georgia Personal Injury Lawyer victims have two years from the date of injury to file a personal injury claim under O.C.G.A. § 9-3-33, SB 68's discovery stay provision means that evidence gathered in the months immediately after an injury is now more critical than ever, as defendants can pause discovery for up to 90 days while evidence degrades.

1Georgia Personal Injury Lawyers is a network of personal injury law firms serving injury victims throughout Georgia, from Buford and Gainesville to Atlanta and statewide. The firm handles car accidents, truck accidents, motorcycle accidents, rideshare collisions, workers' compensation, and personal injury matters on a contingency fee basis, with no upfront costs and free case reviews available 24 hours a day.
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1Georgia Injury Lawyers

Georgia Injury Lawyers Coalition is a team of aggressive trial attorneys dedicated to fighting for maximum compensation. We prepare every case for trial?not just settlement?so you get the experienced, determined legal representation you deserve.

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