

SUPREME COURT OF GEORGIA

Matthews v. Macon Water Authority, 273 Ga. 436

542 S.E.2d 106 (2001) · No. No. S00A1542 · Decided February 16, 2001

SUMMARY

The Supreme Court of Georgia held that the immunity provision in the Macon Water Authority's charter was not preempted by OCGA § 51-2-2, which codifies respondeat superior. The court concluded that the General Assembly could exclude the public corporation from vicarious tort liability and affirmed summary judgment for the Authority.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Thompson, Justice; All other Justices
JURISDICTION	Georgia
DECIDED	February 16, 2001
DOCKET	No. S00A1542
DISPOSITION	affirmed
PROCEDURAL POSTURE	Matthews appealed from the trial court's grant of summary judgment to the Macon Water Authority in a tort action.
STANDARD OF REVIEW	Appellate review of the grant of summary judgment; the opinion does not state a separate standard of review.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Georgia
PARTIES	Martin C. Matthews v. Macon Water Authority

TOPICS

- municipal liability
- municipal law
- preemption
- constitutional law
- statutory interpretation

PRACTICE AREAS

- municipal law
- constitutional law
- torts
- statutory interpretation

QUESTIONS PRESENTED

1. Whether the immunity provision in the Macon Water Authority's charter is preempted by OCGA § 51-2-2 under Art. III, Sec. VI, Par. IV(a) of the Georgia Constitution.
2. Whether the General Assembly may exclude a public corporation created by charter from vicarious tort liability.

HOLDINGS

1. The immunity provision in the Macon Water Authority Act is not preempted by OCGA § 51-2-2 and does not violate Art. III, Sec. VI, Par. IV(a) of the Georgia Constitution.

KEY QUOTATIONS

“Accordingly, we hold that the immunity provision of the Macon Water Authority Act is not preempted by OCGA § 51-2-2, and therefore does not offend Art. III, Sec. VI, Par. IV(a) of the Georgia Constitution.” (108)

FACTUAL BACKGROUND

Martin C. Matthews was injured when he fell over the lid of a water meter box that an employee of the Macon Water Authority allegedly failed to secure. He sued the Authority under a theory of vicarious liability for the employee's negligence. The Authority invoked its charter provision stating that it would not be liable for torts committed by its officers, agents, or employees.

PROCEDURAL HISTORY

Matthews sued the Macon Water Authority for injuries allegedly caused by an employee's failure to secure a water meter box lid. The Authority moved for summary judgment based on an immunity provision in its charter. The trial court rejected Matthews's constitutional challenge and granted summary judgment to the Authority; the Supreme Court of Georgia affirmed.

DISPOSITION

affirmed

CASES CITED

- Little v. City of Lawrenceville, 272 Ga. 340, 341(1), 528 S.E.2d 515 (2000)
- Franklin County v. Fieldale Farms Corp., 270 Ga. 272, 275(2), 507 S.E.2d 460 (1998)
- McAllister v. American National Red Cross, 240 Ga. 246(2), 240 S.E.2d 247 (1977)
- State v. Martin, 266 Ga. 244(4), 466 S.E.2d 216 (1996)
- C & S Nat. Bank v. Mann, 234 Ga. 884, 889(3), 218 S.E.2d 593 (1975)
- Penick v. Foster, 129 Ga. 217(3), 58 S.E. 773 (1907)
- Thomas v. Hosp. Auth. of Clarke County, 264 Ga. 40, 440 S.E.2d 195 (1994)
- Henderman v. Walton County Water & Sewerage Auth., 271 Ga. 192(1), 515 S.E.2d 617 (1999)

