

How Georgia's Senate Bill 68 Changed the Rules for Personal Injury Claims

The Legal Landscape for Georgia Injury Victims Looks Different Now

When you're [hurt in a crash](#) or a [serious accident](#), your first instinct is to focus on healing. The legal system feels like something to sort out later. But in Georgia, the rules that govern how injury cases are filed, argued, and resolved changed significantly on April 21, 2025, when [Governor Brian Kemp signed Senate Bill 68 into law](#). If you were injured after that date, or if your case was already in litigation when the law took effect, the way your claim is handled has changed in ways that matter.

At the [Law Offices of Gary Martin Hays & Associates, P.C.](#), we've been fighting for injured Georgia families since 1993. We know how to navigate the legal landscape as it actually exists, not as it existed five years ago. Georgia's tort reform brought the most sweeping changes to the state's civil justice system since 2005, and understanding what those changes mean is the first step toward protecting your rights.

What Senate Bill 68 Actually Is

Senate Bill 68 is a comprehensive overhaul of Georgia's civil litigation rules. Its supporters described it as a necessary correction to what they called a "judicial hellhole" environment that produced outsized verdicts and drove insurance carriers out of the state. Its critics, including most injury attorneys, argued that it tilted the legal playing field sharply in favor of insurance companies and corporate defendants at the expense of injured people who have done nothing wrong.

Whatever your view of the politics, the practical effect is the same. The law changed how Georgia personal injury cases are filed, what evidence juries see, how medical damages are calculated, whether trials can be split into phases, and how the seatbelt issue is handled in car accident cases. Most of these changes applied immediately upon the bill's signing. Some apply only to causes of action that arose after April 21, 2025.

The Key Changes Georgia Injury Victims Need to Understand

SB 68 touched nearly every aspect of a personal injury case in Georgia. Here are the provisions that affect injured people most directly:

- **Phantom Damages Reform:** Before SB 68, juries could only see the full amount billed by medical providers for treatment, not what insurance actually paid. Under the new law, defendants can now present evidence of what was actually paid or required to be paid,

and juries decide the reasonable value of treatment based on both figures. For many injury victims, this will reduce the total medical damages they can recover.

- **Seatbelt Evidence Is Now Admissible:** Georgia previously had a strict rule prohibiting defendants from using a victim's failure to wear a seatbelt as evidence of negligence or to reduce damages. SB 68 eliminated that protection. Seatbelt nonuse is now admissible on the issues of negligence, [comparative fault](#), causation, and damages.
- **Bifurcated Trials:** Either party in a bodily injury or [wrongful death case](#) can now request that the trial be split into two phases, one for liability and one for damages. This means a jury could decide who was at fault before ever hearing about the full extent of your injuries, which changes the courtroom dynamic significantly.
- **Shortened Voluntary Dismissal Window:** Injured people previously had significant flexibility to dismiss and refile cases when legal strategy required it. Under SB 68, that window is now limited to 60 days after the defendant files an answer, cutting off a strategic tool that plaintiff attorneys regularly used to protect their clients.
- **Restrictions on Non-Economic Damages Arguments:** Attorneys can no longer place a specific dollar figure on non-economic damages like pain and suffering until after evidence closes and during first closing argument. Any request must be rationally tied to the evidence, which limits certain persuasion strategies that previously helped juries understand the true weight of a victim's losses.
- **Negligent Security Claims Are Now Harder to Bring:** SB 68 significantly narrowed the standard for when a property owner can be held liable for criminal acts on their premises, requiring a much higher level of foreseeability and mandating that juries apportion fault to the criminal perpetrator as well as the property owner.

When These Changes Apply to Your Case

Not every provision of SB 68 applies to every case in the same way, and understanding the effective date rules matters a great deal depending on when your injury occurred.

The phantom damages reform and the changes to negligent security claims apply only to causes of action that arose on or after April 21, 2025. If your injury happened before that date, the old rules on medical damages still apply to your case. The seatbelt admissibility change applies to cases filed after the bill's approval, not pending claims. Most of the procedural changes, including the bifurcation option, the shortened dismissal window, and the restrictions on attorney fee recovery, applied immediately and affect both new and existing lawsuits.

This patchwork of effective dates makes early legal consultation more important than it has ever been. Whether the old rules or the new rules apply to your situation depends on facts specific to your case, and getting that analysis wrong can cost you significant compensation.

What This Means for How Cases Are Valued and Resolved

The cumulative effect of SB 68 is that [insurance companies](#) now have more legal tools available to reduce what they pay injured people. That doesn't mean injured victims can't recover full and fair compensation. It means the fight requires a deeper understanding of the new rules and a more sophisticated approach to building and presenting a case.

Medical bills that once drove settlement value now face scrutiny through the phantom damages lens. Seatbelt nonuse that once couldn't be mentioned in a courtroom can now be used to chip away at damages. A trial that once kept liability and injury evidence in front of the same jury at the same time can now be split in ways that change how jurors process the human cost of what happened.

Georgia injury victims who don't understand these changes go into negotiations and litigation at a serious disadvantage. Insurance companies understand SB 68 very well. Their adjusters and lawyers have been preparing to use it since the day it was signed.

Georgia's Power Law Firm Has Been Preparing Too

The Law Offices of Gary Martin Hays & Associates, P.C. has represented injured Georgians through every shift in the legal landscape over the past three decades, and SB 68 is no different. We know what the new rules allow, where their limits are, and how to build injury cases that hold their value in a post-reform environment.

If you were injured in Georgia and you have questions about how these changes affect your claim, [contact us today](#) for a free consultation. We'll give you a straight answer about where your case stands under the law as it actually exists right now. You pay nothing unless we win your case.

be split into phases, and how much flexibility injury victims have in litigation. Georgia families injured after that date are navigating a fundamentally different legal landscape.