

Senate Bill 346

By: Senators Harp of the 16th, Kemp of the 3rd and Meyer von Bremen of the 12th

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Code Section 9-11-4 of the Official Code of Georgia Annotated, relating to service
2 of process in civil actions, so as to conform to the language of Federal Rule of Civil
3 Procedure 4(f) regarding the methods of service of process in other countries in conformity
4 with the Convention Relative to the Notification or Service Abroad of Judicial and
5 Extrajudicial Documents; to authorize international service of process by mail when not
6 prohibited by the government of a foreign country; to provide for related matters; to repeal
7 conflicting laws; and for other purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 Code Section 9-11-4 of the Official Code of Georgia Annotated, relating to service of
11 process in civil actions, is amended by inserting immediately after paragraph (2) of
12 subsection (f) a new paragraph (3) to read as follows:

13 "(3) SERVICE UPON INDIVIDUALS IN A FOREIGN COUNTRY. Unless otherwise provided by
14 law, service upon an individual from whom a waiver has not been obtained and filed,
15 other than an infant or an incompetent person, may be effected in a place not within the
16 United States:

17 (A) By any internationally agreed means reasonably calculated to give notice, such as
18 those means authorized by the Hague Convention on the Service Abroad of Judicial and
19 Extrajudicial Documents;

20 (B) If there is no internationally agreed means of service or the applicable international
21 agreement allows other means of service, provided that service is reasonably calculated
22 to give notice:

23 (i) In the manner prescribed by the law of the foreign country for service in that
24 country in an action in any of its courts of general jurisdiction;

25 (ii) As directed by the foreign authority in response to a letter rogatory or letter of
26 request; or

- 1 (iii) Unless prohibited by the law of the foreign country, by:
2 (I) Delivery to the individual personally of a copy of the summons and the
3 complaint; or
4 (II) Any form of mail requiring a signed receipt, to be addressed and dispatched by
5 the clerk of the court to the party to be served; or
6 (C) By other means not prohibited by international agreement as may be directed by
7 the court."

8 **SECTION 2.**

9 All laws and parts of laws in conflict with this Act are repealed.