01 LC 29 0145S

The House Committee on Judiciary offers the following substitute to HB 569:

A BILL TO BE ENTITLED AN ACT

To amend Code Section 9-11-5 of the Official Code of Georgia Annotated, relating to service and filing of pleadings subsequent to the original complaint, so as to provide that service of judgments is also not required when service is waived; to amend Code Section 15-6-21 of the Official Code of Georgia Annotated, relating to time for deciding, filing, and notification of motions, so as to provide that notification is not required when service has been waived by law; to provide for an effective date and applicability; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 SECTION 1.

Code Section 9-11-5 of the Official Code of Georgia Annotated, relating to service and filing of pleadings subsequent to the original complaint, is amended by striking subsection (a) in its entirety and inserting in lieu thereof a new subsection (a) to read as follows:

"(a) Except as otherwise provided in this chapter, every order required by its terms to be served, every pleading subsequent to the original complaint unless the court otherwise orders because of numerous defendants, every written motion other than one which may be heard ex parte, and every written notice, appearance, demand, offer of judgment, and similar paper shall be served upon each of the parties. However, the failure of a party to file pleadings in an action shall be deemed to be a waiver by him <u>or her</u> of all notices, including notices of time and place of trial <u>and entry of judgment</u>, and all service in the action, except service of pleadings asserting new or additional claims for relief, which shall be served as provided by subsection (b) of this Code section."

22 SECTION 2.

Code Section 15-6-21 of the Official Code of Georgia Annotated, relating to time for deciding, filing, and notification of motions, is amended by striking subsection (c) in its entirety and inserting in lieu thereof a new subsection (c) to read as follows:

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"(c) When he <u>or she</u> has so decided, it shall be the duty of the judge to file his <u>or her</u>
decision with the clerk of the court in which the cases are pending and to notify the
attorney or attorneys of the losing party of his or her decision. Said notice shall not be
required if such notice has been waived pursuant to subsection (a) of Code Section 9-11-5."

5 SECTION 3.

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This Act shall become effective on July 1, 2001, and shall apply to judgments or decisions entered on and after that date.

8 SECTION 4.

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