

House Bill 569 (COMMITTEE SUBSTITUTE)

By: Representative Connell of the 115<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

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

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

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

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

22 **SECTION 2.**

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

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

5 **SECTION 3.**

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

8 **SECTION 4.**

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