

House Bill 1476

By: Representatives Fleming of the 79<sup>th</sup>, Channell of the 77<sup>th</sup>, O`Neal of the 117<sup>th</sup>, Campbell of the 39<sup>th</sup>, Parrish of the 102<sup>nd</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 9-10-31 of the Official Code of Georgia Annotated, relating to  
2 actions against certain codefendants residing in different counties, so as to change provisions  
3 relating to venue in actions involving joint or joint and several tort-feasors; to provide for  
4 transfer of cases in certain circumstances; to make legislative findings; to provide for related  
5 matters; to provide for effective dates and applicability; to repeal conflicting laws; and for  
6 other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 9-10-31 of the Official Code of Georgia Annotated, relating to actions against  
10 certain codefendants residing in different counties, is amended by striking the Code section  
11 and inserting in lieu thereof the following:

12 "9-10-31.

13 (a) The General Assembly finds that Paragraph IV of Section 2 of Article VI of the  
14 Georgia Constitution permits a trial and entry of judgment against a resident of Georgia in  
15 a county other than the county of the defendant's residence only if the Georgia resident  
16 defendant is a joint obligor, joint tort-feasor, joint promisor, copartner, or joint trespasser;  
17 and therefore this Code section shall apply to all pending actions filed on or after July 1,  
18 1999.

19 (b) Joint or joint and several tort-feasors, obligors, or promisors, or joint contractors or  
20 copartners, residing in different counties, may be subject to an action as such in the same  
21 action in any county in which one or more of the defendants reside. If, however, the court  
22 determines prior to the commencement of trial that: who are joint or joint and several  
23 tort-feasors, obligors, or promisors, or joint contractors or copartners reside.

24 (1) ~~The plaintiff has brought the action in bad faith against all defendants residing in the~~  
25 ~~county in which the action is brought; or~~

