

House Bill 705

By: Representatives Forster of the 3rd, Tumlin of the 38th, Mitchell of the 88th, Powell of the 29th, and Lindsey of the 54th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 9-11-4 of the Official Code of Georgia Annotated, relating to
2 process in civil practice, so as to provide for service upon persons residing in gated and
3 secured communities; to provide for state-wide registration of permanent process servers; to
4 repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Code Section 9-11-4 of the Official Code of Georgia Annotated, relating to process in civil
8 practice, is amended in subsection (f) by adding a new paragraph to read as follows:

9 "(4) SERVICE UPON PERSONS RESIDING IN GATED AND SECURED COMMUNITIES. Any
10 person authorized to serve process shall be granted access to gated and secured
11 communities for a reasonable period of time for the purpose of performing lawful service
12 of process upon identifying to the guard or managing agent the person or persons to be
13 served, displaying a current driver's license or other identification, and displaying
14 evidence of current appointment as a process server pursuant to subsection (m) of this
15 Code section. Upon refusal of a guard or managing agent to comply with this paragraph,
16 the process may be served upon that guard or managing agent, and shall be as effective
17 as if served on the defendant personally."

18 style="text-align:center">**SECTION 2.**

19 Said Code section is further amended by adding a new subsection to read as follows:

20 "(m) *State-wide registration of permanent process servers.* A person who files with the
21 clerk of a superior court a motion stating that the movant has been a bona fide resident of
22 the State of Georgia and engaged in the process serving industry for at least one year
23 immediately preceding the motion and that the movant will faithfully serve process in
24 accordance with the law, and who otherwise complies with any procedures and
25 requirements set forth by the Judicial Council of Georgia in any rules or regulations

1 regarding this subsection shall, absent good cause shown, be appointed as a permanent
2 process server by the superior court in the county where the motion is filed, and the clerk
3 shall ensure the appointment is registered with the Judicial Council of Georgia. Said
4 registration shall be maintained until such approval is withdrawn by the court upon good
5 cause shown. The Judicial Council of Georgia shall maintain a register for this purpose.
6 Such permanent process server shall be entitled to serve in such capacity for any court of
7 the state, anywhere within the state."

8 **SECTION 3.**

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