

Senate Bill 491

By: Senators Cowsert of the 46th, Harp of the 29th, Crosby of the 13th and Hamrick of the 30th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 4 of Chapter 10 of Title 9 of the Official Code of Georgia Annotated,
2 relating to personal jurisdiction over nonresidents, so as to change provisions relating to the
3 grounds for exercise of personal jurisdiction over nonresidents involved in domestic relation
4 cases; to provide for related matters; to 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 Article 4 of Chapter 10 of Title 9 of the Official Code of Georgia Annotated, relating to
8 personal jurisdiction over nonresidents, is amended by revising Code Section 9-10-91,
9 relating to the grounds for exercise of personal jurisdiction over nonresidents, as follows:
10 "9-10-91.

11 A court of this state may exercise personal jurisdiction over any nonresident or his or her
12 executor or administrator, as to a cause of action arising from any of the acts, omissions,
13 ownership, use, or possession enumerated in this Code section, in the same manner as if
14 he or she were a resident of ~~the~~ this state, if in person or through an agent, he or she:

- 15 (1) Transacts any business within this state;
- 16 (2) Commits a tortious act or omission within this state, except as to a cause of action for
17 defamation of character arising from the act;
- 18 (3) Commits a tortious injury in this state caused by an act or omission outside this state
19 if the tort-feasor regularly does or solicits business, or engages in any other persistent
20 course of conduct, or derives substantial revenue from goods used or consumed or
21 services rendered in this state;
- 22 (4) Owns, uses, or possesses any real property situated within this state; or
- 23 (5) With respect to proceedings for ~~alimony, child support, or division of property in~~
24 ~~connection with an action for divorce~~ divorce, separate maintenance, annulment, or other
25 domestic relations action or with respect to an independent action for support of
26 dependents, maintains a matrimonial domicile in this state at the time of the

27 commencement of this action or, if the defendant resided in this state preceding the
28 commencement of the action, whether cohabiting during that time or not, notwithstanding
29 the subsequent departure of one of the original parties from this state and as to all
30 obligations arising from alimony, child support, apportionment of debt, or real or
31 personal property orders or agreements, if one party to the marital relationship continues
32 to reside in this state. This paragraph shall not change the residency requirement for
33 filing an action for divorce.

34 (6) Has been subject to the exercise of jurisdiction of a court of this state which has
35 resulted in an order of alimony, child custody, child support, equitable apportionment of
36 debt, or equitable division of property, notwithstanding the subsequent departure of one
37 of the original parties from this state, if the action involves modification of such order and
38 the moving party resides in this state, or if the action involves enforcement of such order
39 notwithstanding the domicile of the moving party."

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SECTION 2.

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