

House Bill 29

By: Representatives Jacobs of the 80th, Maddox of the 127th, Ramsey of the 72nd, Hatfield of the 177th, Lindsey of the 54th, and others

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 and other papers, so as to provide
3 for electronic service of pleadings subsequent to the original complaint; to provide for related
4 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 Code Section 9-11-5 of the Official Code of Georgia Annotated, relating to service and filing
8 of pleadings subsequent to the original complaint and other papers, is amended by revising
9 subsection (b) as follows:

10 "(b) *Same — How made.* Whenever under this chapter service is required or permitted to
11 be made upon a party represented by an attorney, the service shall be made upon the
12 attorney unless service upon the party ~~himself~~ is ordered by the court. Service upon the
13 attorney or upon a party shall be made by delivering a copy to ~~him~~ the person to be served
14 or by mailing it to ~~him~~ the person to be served at ~~his~~ the person's last known address or, if
15 no address is known, by leaving it with the clerk of the court. As used in this Code section,
16 the term 'delivery of a copy' means handing it to the ~~attorney or to the party,~~ person to be
17 served, using electronic mail and attaching a portable document format (PDF) electronic
18 version of it, or leaving it at ~~his~~ the person to be served's office with ~~his clerk or other a~~
19 person in charge thereof or, if ~~the~~ such office is closed or the person to be served has no
20 office, leaving it at ~~his~~ the person to be served's dwelling house or usual place of abode
21 with some person of suitable age and discretion ~~then~~ residing therein. Service by mail is
22 complete upon mailing. Proof of service may be made by certificate of an attorney or of
23 his or her employee, by written admission, by affidavit, or by other proof satisfactory to the
24 court. Failure to make proof of service shall not affect the validity of service."

25

SECTION 2.

26 All laws and parts of laws in conflict with this Act are repealed.