

Senate Bill 387

By: Senators Mullis of the 53rd, Hamrick of the 30th, Crosby of the 13th, Tolleson of the 20th and Hill of the 32nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 13 of Title 45 of the Official Code of Georgia Annotated,
2 relating to the powers and duties of the Secretary of State, so as to create a will registry
3 within the office of the Secretary of State; to provide for the administration of such registry;
4 to provide for access to such registry; to provide for fees for registering a will and searching
5 the registry; to provide that the existence or nonexistence of an entry in the will registry shall
6 have no effect on the validity or invalidity of a will; to provide that the Secretary of State
7 shall not be responsible for the accuracy of the information submitted; to provide for rules
8 and regulations; to provide for related matters; to repeal conflicting laws; and for other
9 purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

12 Article 2 of Chapter 13 of Title 45 of the Official Code of Georgia Annotated, relating to the
13 powers and duties of the Secretary of State, is amended by adding a new Code section to read
14 as follows:

15 "45-13-29.

16 (a) The Secretary of State shall create and maintain a will registry in which a testator or
17 his or her attorney may register information regarding the testator's will. The information
18 contained in such registry shall include the name of the person making the will, the date
19 the will was made, and sufficient identification of the location of the will at the time of
20 registration. The registry shall not contain a copy of the will.

21 (b) The fee for registration of a will shall be \$10.00, which shall be deposited by the
22 Secretary of State into the state treasury.

23 (c) The existence or nonexistence of a registration for a particular will shall not be
24 considered as evidence in any proceeding relating to such will, and the failure to file
25 information about a will in the will registry shall not be a factor in determining the validity
26 of the will.

27 (d) The fee for application to the Secretary of State to conduct a search of the registry
28 shall be \$10.00, which shall be deposited by the Secretary of State into the state treasury.
29 Only interested persons and their representatives may conduct a search of the registry. As
30 used in this subsection, 'interested persons' means children, spouses, potential heirs,
31 devisees, fiduciaries, creditors, beneficiaries, and any others having a property right in or
32 claim against a trust estate or the estate of a decedent which may be affected by the
33 proceeding.
34 (e) The Secretary of State shall not be liable for the accuracy of the representation of the
35 person conducting a search of the registry or for the accuracy of the information contained
36 in the registry.
37 (f) The Secretary of State is authorized to promulgate rules and regulations to effectuate
38 the provisions of this Code section."

39

SECTION 2.

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