

House Bill 531

By: Representatives Mabra of the 63rd, Fleming of the 121st, Willard of the 51st, Strickland of the 111th, Reeves of the 34th, and others

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 exercising personal jurisdiction over nonresidents; to change provisions relating
4 to effect of appearance; to change provisions relating to venue; to amend Code Sections
5 19-13-2 and 34-1-7 of the Official Code of Georgia Annotated, relating to jurisdiction of
6 superior court and application for temporary restraining order and injunction, respectively,
7 so as to correct cross-references; to provide for related matters; to provide for an effective
8 date and applicability; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

11 Article 4 of Chapter 10 of Title 9 of the Official Code of Georgia Annotated, relating to
12 personal jurisdiction over nonresidents, is amended by revising Code Section 9-10-91,
13 relating to grounds for exercise of personal jurisdiction over nonresidents, as follows:

14 "9-10-91.

15 A court of this state may exercise personal jurisdiction over any nonresident on any basis
16 that is not in conflict with the Constitution of the United States or the Constitution of
17 Georgia. ~~or his or her executor or administrator, as to a cause of action arising from any of~~
18 ~~the acts, omissions, ownership, use, or possession enumerated in this Code section, in the~~
19 ~~same manner as if he or she were a resident of this state, if in person or through an agent,~~
20 ~~he or she:~~

21 (1) ~~Transacts any business within this state;~~

22 (2) ~~Commits a tortious act or omission within this state, except as to a cause of action for~~
23 ~~defamation of character arising from the act;~~

24 (3) ~~Commits a tortious injury in this state caused by an act or omission outside this state~~
25 ~~if the tort-feasor regularly does or solicits business, or engages in any other persistent~~

26 ~~course of conduct, or derives substantial revenue from goods used or consumed or~~
 27 ~~services rendered in this state;~~
 28 ~~(4) Owns, uses, or possesses any real property situated within this state;~~
 29 ~~(5) With respect to proceedings for divorce, separate maintenance, annulment, or other~~
 30 ~~domestic relations action or with respect to an independent action for support of~~
 31 ~~dependents, maintains a matrimonial domicile in this state at the time of the~~
 32 ~~commencement of this action or if the defendant resided in this state preceding the~~
 33 ~~commencement of the action, whether cohabiting during that time or not. This paragraph~~
 34 ~~shall not change the residency requirement for filing an action for divorce; or~~
 35 ~~(6) Has been subject to the exercise of jurisdiction of a court of this state which has~~
 36 ~~resulted in an order of alimony, child custody, child support, equitable apportionment of~~
 37 ~~debt, or equitable division of property if the action involves modification of such order~~
 38 ~~and the moving party resides in this state or if the action involves enforcement of such~~
 39 ~~order notwithstanding the domicile of the moving party."~~

40 **SECTION 2.**

41 Said article is further amended by revising Code Section 9-10-92, relating to effect of
 42 appearance, as follows:

43 "9-10-92.

44 Where personal jurisdiction is based solely upon this article, an appearance does not confer
 45 such jurisdiction with respect to causes of action not arising from the conduct ~~enumerated~~
 46 ~~in or omission from which personal jurisdiction has been conferred under~~ Code Section
 47 9-10-91."

48 **SECTION 3.**

49 Said article is further amended by revising Code Section 9-10-93, relating to venue, as
 50 follows:

51 "9-10-93.

52 Venue in cases under this article shall lie in any county wherein a substantial part of the
 53 ~~business was transacted, the tortious act, omission, or injury occurred, or the real property~~
 54 ~~is located. Where~~ conduct or omission giving rise to personal jurisdiction under Code
 55 Section 9-10-91 occurred. When an action is brought against a resident of this state, any
 56 nonresident of this state who is involved in the same transaction or occurrence and who is
 57 suable under the provisions of this article may be joined as a defendant in the county where
 58 a resident defendant is suable. Under such circumstances, jurisdiction and venue of the
 59 court of and over such nonresident defendant shall not be affected or lost if at trial a verdict
 60 or judgment is returned in favor of such resident defendant. If such resident defendant is

61 dismissed from the action prior to commencement of the trial, the action against the
62 nonresident defendant shall not abate but shall be transferred to a court in a county where
63 venue is proper."

64 **SECTION 4.**

65 Code Section 19-13-2 of the Official Code of Georgia Annotated, relating to jurisdiction of
66 superior court, is amended by revising subsection (b) as follows:

67 "(b) For proceedings under this article involving a nonresident respondent, the superior
68 court where the petitioner resides or the superior court where an act involving family
69 violence allegedly occurred shall have jurisdiction, where the act involving family violence
70 meets the elements for personal jurisdiction provided for under ~~paragraph (2) or (3)~~ of
71 Code Section 9-10-91."

72 **SECTION 5.**

73 Code Section 34-1-7 of the Official Code of Georgia Annotated, relating to application for
74 temporary restraining order and injunction, is amended by revising paragraph (2) of
75 subsection (c) as follows:

76 "(2) For proceedings under this Code section involving a nonresident respondent, the
77 superior court where the petitioner's workplace is located shall have jurisdiction, where
78 the act involving unlawful violence or a credible threat of unlawful violence meets the
79 elements for personal jurisdiction provided for under ~~paragraph (2) or (3)~~ of Code Section
80 9-10-91."

81 **SECTION 6.**

82 This Act shall become effective on July 1, 2015, and shall apply to all causes of actions
83 arising on and after such date.

84 **SECTION 7.**

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