

House Bill 1027

By: Representatives Fleming of the 121st, Willard of the 51st, Caldwell of the 131st, Weldon of the 3rd, Welch of the 110th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 15 of the Official Code of Georgia Annotated, relating to courts, so as to
2 provide for filing of documents in superior and state courts by electronic means; to provide
3 for related matters; to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

6 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising
7 Code Section 15-6-11, which was previously reserved, as follows:

8 "15-6-11.

9 (a) By court rule, any court may provide for the filing of pleadings and other documents
10 by electronic means.

11 (b) Any pleading or document filed electronically shall be in a format prescribed by the
12 court and shall comply with Code Section 9-11-7.1.

13 (c) Any pleading or document filed electronically shall include the electronic signature,
14 as such term is defined in Code Section 10-12-2, of the person filing the pleading or
15 document.

16 (d) Any pleading or document filed electronically which is required to be verified, verified
17 under oath, or accompanied by an affidavit may include such verification, oath, or affidavit
18 by one of the following methods:

19 (1) As provided in Code Section 10-12-11;

20 (2) By oath or affirmation of the party filing the pleading at the time of the trial of the
21 case;

22 (3) By supplemental verified pleading; or

23 (4) By electronic verification, oath, or affidavit in substantially the following form:

24 'By affixing this electronic verification, oath, or affidavit to the pleading(s) submitted
25 to the court and attaching my electronic signature hereon, I do hereby swear or affirm
26 that the statements set forth in the above pleading(s) are true and correct.

27 Date: _____ Electronic Signature: _____ '

28 (e) Service of any claim or complaint filed electronically shall be made as provided by
 29 law. Service of all subsequent pleadings and notices may be made electronically only on
 30 a party who has filed pleadings electronically or, if applicable, as provided in Code Section
 31 9-11-5. Each pleading or document which is required to be served on other parties shall
 32 include a certificate of service indicating the method by which service on the other party
 33 has been made. An electronic certificate of service shall be made in substantially the
 34 following form:

35 'By affixing this electronic certificate of service to the pleading(s) or document(s)
 36 submitted to the court and attaching my electronic signature hereon, I do hereby swear
 37 or affirm that I have this date served the opposing party with a copy of this pleading by
 38 e-mail or placing a copy in regular mail with sufficient postage thereon to the following
 39 address: (set forth address of opposing party).

40 Date: _____ Electronic Signature: _____ '

41 (f) Nothing in this Code section shall prevent a party from contesting an electronic
 42 pleading, document, or signature on the basis of forgery or fraud. Any pleading or
 43 document found by the court to have been fraudulently filed shall be stricken from the
 44 record.

45 (g) Where the authenticity or the integrity of an electronic pleading, document, or
 46 signature is challenged, the proponent of the electronic pleading, document, or signature
 47 shall have the burden of proving that the electronic pleading, document, or signature is
 48 authentic.

49 (h) Upon the receipt of any pleading or other document filed electronically, the clerk of
 50 court shall notify the filer of receipt of the pleading or document. Such notice shall include
 51 the date and time the court accepted the pleading or document as filed.

52 (i) Any pleading or document filed electronically shall be deemed filed as of the time the
 53 clerk of court gains electronic control of the document unless such clerk determines that
 54 the form of the pleading or document is deficient.

55 (j) When the filing of the pleading or document requires the payment of a fee, the clerk of
 56 court may establish procedures for the payment of such fees connected with such filing.
 57 The filing of any such pleading or document shall create an obligation by the party to pay
 58 such fee to the clerk of court instanter.

59 (k) The clerk of court may assess an additional transaction fee or fees for each electronic
 60 filing and electronic payment.

61 (l) When a filing involves the transfer of funds, the court may establish a procedure for
 62 making such transactions by electronic means Reserved."

63 **SECTION 2.**

64 Said title is further amended by a new Code section to read as follows:

65 "15-7-5.

66 (a) By court rule, any court may provide for the filing of pleadings and other documents
67 by electronic means.

68 (b) Any pleading or document filed electronically shall be in a format prescribed by the
69 court and shall comply with Code Section 9-11-7.1.

70 (c) Any pleading or document filed electronically shall include the electronic signature,
71 as such term is defined in Code Section 10-12-2, of the person filing the pleading or
72 document.

73 (d) Any pleading or document filed electronically which is required to be verified, verified
74 under oath, or accompanied by an affidavit may include such verification, oath, or affidavit
75 by one of the following methods:

76 (1) As provided in Code Section 10-12-11;

77 (2) By oath or affirmation of the party filing the pleading at the time of the trial of the
78 case;

79 (3) By supplemental verified pleading; or

80 (4) By electronic verification, oath, or affidavit in substantially the following form:

81 'By affixing this electronic verification, oath, or affidavit to the pleading(s) submitted
82 to the court and attaching my electronic signature hereon, I do hereby swear or affirm
83 that the statements set forth in the above pleading(s) are true and correct.

84 Date: _____ Electronic Signature: _____'

85 (e) Service of any claim or complaint filed electronically shall be made as provided by
86 law. Service of all subsequent pleadings and notices may be made electronically only on
87 a party who has filed pleadings electronically or, if applicable, as provided in Code Section
88 9-11-5. Each pleading or document which is required to be served on other parties shall
89 include a certificate of service indicating the method by which service on the other party
90 has been made. An electronic certificate of service shall be made in substantially the
91 following form:

92 'By affixing this electronic certificate of service to the pleading(s) or document(s)
93 submitted to the court and attaching my electronic signature hereon, I do hereby swear
94 or affirm that I have this date served the opposing party with a copy of this pleading by
95 e-mail or placing a copy in regular mail with sufficient postage thereon to the following
96 address: (set forth address of opposing party).

97 Date: _____ Electronic Signature: _____'

98 (f) Nothing in this Code section shall prevent a party from contesting an electronic
99 pleading, document, or signature on the basis of forgery or fraud. Any pleading or

100 document found by the court to have been fraudulently filed shall be stricken from the
101 record.

102 (g) Where the authenticity or the integrity of an electronic pleading, document, or
103 signature is challenged, the proponent of the electronic pleading, document, or signature
104 shall have the burden of proving that the electronic pleading, document, or signature is
105 authentic.

106 (h) Upon the receipt of any pleading or other document filed electronically, the clerk of
107 court shall notify the filer of receipt of the pleading or document. Such notice shall include
108 the date and time the court accepted the pleading or document as filed.

109 (i) Any pleading or document filed electronically shall be deemed filed as of the time the
110 clerk of court gains electronic control of the document unless such clerk determines that
111 the form of the pleading or document is deficient.

112 (j) When the filing of the pleading or document requires the payment of a fee, the clerk of
113 court may establish procedures for the payment of such fees connected with such filing.
114 The filing of any such pleading or document shall create an obligation by the party to pay
115 such fee to the clerk of court instanter.

116 (k) The clerk of court may assess an additional transaction fee or fees for each electronic
117 filing and electronic payment.

118 (l) When a filing involves the transfer of funds, the court may establish a procedure for
119 making such transactions by electronic means."

120 **SECTION 3.**

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