

House Bill 239

By: Representatives Efration of the 104th and Fleming of the 121st

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 establish the Georgia Business Court pursuant to the Constitution of this state; to provide for
3 terms of court and where such court shall sit; to provide for location of proceedings; to
4 provide for subject matter jurisdiction; to provide for filings, pleadings, and fees; to provide
5 for a judge of the Georgia Business Court; to establish qualifications; to provide for
6 appointment and approval of such judge; to provide for terms of office; to provide for salary
7 and other compensation; to authorize rule making; to provide for the appointment of a clerk
8 of the Georgia Business Court; to provide for an interim clerk of the Georgia Business Court;
9 to provide for law assistants and other employees; to amend Code Section 45-7-4 of the
10 Official Code of Georgia Annotated, relating to general provisions regarding salaries and
11 fees, so as to designate a salary for the judge of the Georgia Business Court; to amend Title
12 5 of the Official Code of Georgia Annotated, relating to appeal and error, so as to make
13 conforming changes regarding appeals; to amend Chapter 4 of Title 9, Title 23, and Code
14 Section 33-39-21 of the Official Code of Georgia Annotated, relating to declaratory
15 judgments, equity, and equitable relief relative to insurance, respectively, so as to make
16 conforming changes regarding equity; to provide for related matters; to provide for an
17 effective date; to repeal conflicting laws; and for other purposes.

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

19 style="text-align:center">**PART I**
20 style="text-align:center">**SECTION 1-1.**

21 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by adding
22 a new chapter to read as follows:

23 "CHAPTER 5A

24 15-5A-1.

25 There shall be a state-wide business court as provided for in Article VI of the Constitution
26 of this state to be known as the Georgia Business Court.

27 15-5A-2.

28 (a) The terms of court for the Georgia Business Court shall be the same as the terms of
29 court for the Supreme Court.

30 (b) The Georgia Business Court shall sit at the seat of government in Atlanta and shall
31 conduct proceedings and trials in locations as provided for in this Code section.

32 (c)(1) All cases before the Georgia Business Court may have pretrial proceedings
33 conducted at the seat of government or, in the sole discretion of the judge of the Georgia
34 Business Court to whom the case is assigned, conducted via video, telephone, or other
35 efficient technological means as may be deemed necessary or useful to conserve the
36 resources of the parties or the court.

37 (2) At the request of any party to a case, the judge of the Georgia Business Court to
38 whom the case is assigned may, in his or her sole discretion, conduct any pretrial
39 proceeding in the county in which the trial of such case must be conducted pursuant to
40 the Constitution of this state.

41 (d)(1) Unless otherwise required by the Constitution of this state, all trials before the
42 Georgia Business Court shall be bench trials and presided over by the judge of the
43 Georgia Business Court to whom the case is assigned in the venue prescribed by the
44 Constitution of this state or agreed upon by the parties.

45 (2) In any case for which a jury trial is required, the judge of the Georgia Business Court
46 to whom the case is assigned shall preside over such jury trial in the venue prescribed by
47 the Constitution of this state.

48 (e) If the judge of the Georgia Business Court to whom a case is assigned must recuse
49 himself or herself from such case, the judge shall order the transfer of such case to another
50 judge of the Georgia Business Court, and if no other judge of the Georgia Business Court
51 may preside over such case, then the Supreme Court shall order a sitting judge of the Court
52 of Appeals, the superior court, or the state court to sit by designation as a judge of the
53 Georgia Business Court.

54 15-5A-3.

55 (a) Pursuant to the process provided for in Code Section 15-5A-4, the Georgia Business
56 Court shall have authority to:

- 57 (1) Exercise the powers of a court of equity, to the extent that such powers are exercised
58 in the classes of cases provided for under paragraph (2) of this subsection,
59 notwithstanding the amount in controversy;
- 60 (2) Exercise concurrent jurisdiction in the following classes of cases:
- 61 (A) Cases arising under Chapter 2 of Title 14, the Georgia Business Corporation Code;
62 (B) Cases arising under Chapter 8 of Title 14, the Uniform Partnership Act;
63 (C) Cases arising under Chapter 9 of Title 14, the Georgia Revised Uniform Limited
64 Partnership Act;
65 (D) Cases arising under Chapter 9A of Title 14, the Uniform Limited Partnership Act;
66 (E) Cases arising under Chapter 11 of Title 14, the Georgia Limited Liability Company
67 Act;
68 (F) To the extent a dispute is not provided for under subparagraphs (A) through (E) of
69 this paragraph, cases that relate to the internal affairs of businesses, including, but not
70 limited to, rights or obligations between or among business participants regarding the
71 liability or indemnity of business participants, officers, directors, managers, trustees,
72 or partners;
73 (G) Cases arising under Title 11, the Uniform Commercial Code;
74 (H) Cases involving securities, including, but not limited to, disputes arising under
75 Chapter 5 of Title 10, the Georgia Uniform Securities Act of 2008;
76 (I) Cases arising under Part 1 of Article 1 of Chapter 9 of Title 9, the Georgia
77 Arbitration Code, and Part 2 of Article 1 of Chapter 9 of Title 9, the Georgia
78 International Commercial Arbitration Code, for which an application may be made to
79 a court of this state;
80 (J) Cases arising under federal law over which state courts have concurrent
81 jurisdiction, except for claims involving physical injury inflicted upon the body of a
82 person or mental or emotional injury to a person;
83 (K) Where the amount in controversy is at least \$100,000.00:
- 84 (i) Cases where the complaint includes professional malpractice claims arising out
85 of a business dispute that do not involve physical injury inflicted upon the body of a
86 person;
87 (ii) Cases involving tort claims between or among two or more business entities or
88 individuals as to their business or investment activities relating to contracts,
89 transactions, or relationships between or among such entities or individuals;
90 (iii) Cases involving claims for breach of contract, fraud, or misrepresentation
91 between businesses arising out of business transactions or relationships; and
92 (iv) Cases arising from e-commerce agreements; technology licensing agreements,
93 including, but not limited to, software and biotechnology license agreements; or any

94 other agreement involving the licensing of any intellectual property right, including,
 95 but not limited to, an agreement relating to patent rights; and
 96 (L) Where the amount in controversy is at least \$1 million, cases involving claims
 97 concerning commercial real property, except for residential landlord and tenant disputes
 98 and foreclosures;
 99 (3) Punish contempt by fines not exceeding \$1,000.00, by imprisonment not exceeding
 100 20 days, or both; and
 101 (4) Exercise such other powers, not contrary to the Constitution, as are or may be given
 102 to such a court by law.
 103 (b) The Georgia Business Court shall have supplemental jurisdiction over all pending
 104 claims that are so related to the claims in cases provided for under subsection (a) of this
 105 Code section that such pending claims form part of the same case or controversy, except
 106 for claims involving physical injury inflicted upon the body of a person or mental or
 107 emotional injury to a person.

108 15-5A-4.
 109 Cases provided for under Code Section 15-5A-3 may come before the Georgia Business
 110 Court by:
 111 (1) The filing of a pleading with the Georgia Business Court by any party to initiate a
 112 civil action;
 113 (2) The filing of a petition with the Georgia Business Court by any party to an action
 114 already initiated and filed in superior court or state court seeking transfer of such action
 115 to the Georgia Business Court, provided that:
 116 (A) Such petition:
 117 (i) Is filed within 60 days after receipt by all defendants, through service of process,
 118 of a copy of the initial pleading setting forth the claim for relief upon which such
 119 action is based; or
 120 (ii) If the case as reflected in the initial pleading is not transferable, is filed within 60
 121 days after receipt by all defendants, through service of process or otherwise, of a copy
 122 of an amended pleading, motion, order, or other document from which it may first be
 123 ascertained that the case is or has become transferable; and
 124 (B) The judge of the Georgia Business Court, after considering the petition and any
 125 timely response from the other party or parties in the case as provided for in the rules
 126 of the Georgia Business Court, compels transfer of the case to the Georgia Business
 127 Court upon finding by written order that the case is within the authority of the court
 128 pursuant to Code Section 15-5A-3; or

129 (3) Agreement of all parties to an action already initiated and filed in superior court or
 130 state court seeking removal of such case to the Georgia Business Court and upon the
 131 filing of such agreement with the Georgia Business Court, provided that such agreement
 132 is filed within 60 days following the date such action was initiated and filed.

133 15-5A-5.

134 (a) The fee for filing a case with, or having a case transferred or removed to, the Georgia
 135 Business Court shall be \$5,000.00, to be paid by:

136 (1) The party or parties filing the action in, or seeking transfer or removal to, the Georgia
 137 Business Court under paragraph (1) or (2) of Code Section 15-5A-4; or

138 (2) An equal allocation across all parties to an agreement removing the case to the
 139 Georgia Business Court under paragraph (3) of Code Section 15-5A-4.

140 (b) All fees collected by the clerk of the Georgia Business Court pursuant to this Code
 141 section shall be the property of the state and the same shall be paid into the state treasury.

142 15-5A-6.

143 (a)(1) The Georgia Business Court shall consist of one judge and one division.

144 (2) The court shall commence operations on January 1, 2020, and may commence
 145 accepting cases on August 1, 2020.

146 (3) Depending upon future caseload of the court, the General Assembly may consider
 147 creating additional judges or districts of the court.

148 (b) No individual shall be judge of the Georgia Business Court unless, at the time of his
 149 or her appointment, he or she has:

150 (1) Been a resident of this state and a citizen of the United States for at least seven years;

151 (2) Been admitted to practice law for at least seven years; and

152 (3) At least 15 years of legal experience in complex business litigation, which experience
 153 shall be presumed by law as being met by virtue of appointment and approval under Code
 154 Section 15-15A-7.

155 15-5A-7.

156 (a) The judge of the Georgia Business Court shall be appointed by the Governor, subject
 157 to approval by a majority vote of the Senate Judiciary Committee and a majority vote of
 158 the House Committee on Judiciary. The Senate Judiciary Committee and the House
 159 Committee on Judiciary shall be authorized to meet jointly, with notice provided by the
 160 chairpersons of such committees, to consider the approval of such appointment.

161 (b)(1) The initial judge of the Georgia Business Court shall be appointed and confirmed
 162 by December 31, 2019, and shall serve an initial term beginning on August 1, 2020;

163 provided, however, that beginning on January 1, 2020, such initial judge may perform the
164 administrative duties required for establishing the Georgia Business Court and, if so, shall
165 receive compensation as a judge of the Georgia Business Court beginning on such date
166 and for such purposes.

167 (2)(A) The judge of the Georgia Business Court shall serve for a term of five years and
168 may be reappointed for any number of consecutive terms so long as he or she meets the
169 qualifications of appointment at the time of each appointment and is approved as
170 required by law.

171 (B) Vacancies in the office of judge of the Georgia Business Court shall be filled by
172 appointment of the Governor in the same manner as provided for in subsection (a) of
173 this Code section.

174 (3) The judge of the Georgia Business Court shall be deemed to serve the geographical
175 area of this state.

176 15-5A-8.

177 Before entering on the duties of his or her office, the judge of the Georgia Business Court
178 shall take the oath required of all civil officers in addition to the following oath:

179 'I swear that I will administer justice without respect to person and do equal rights to the
180 poor and the rich and that I will faithfully and impartially discharge and perform all the
181 duties incumbent on me as judge of the Georgia Business Court, according to the best of
182 my ability and understanding, and agreeably to the laws and Constitution of this state and
183 the Constitution of the United States. So help me God.'

184 15-5A-9.

185 (a)(1) The annual salary of the judge of the Georgia Business Court shall be as specified
186 in Code Section 45-7-4. Such salary shall be paid in equal monthly installments.

187 (2) The judge of the Georgia Business Court shall receive expenses and allowances as
188 provided for in Code Section 45-7-20. If the judge resides 50 miles or more from the seat
189 of government in Atlanta, such judge shall also receive a mileage allowance for the use
190 of a personal motor vehicle when devoted to official business as provided for in Code
191 Section 50-19-7, for not more than one round trip per calendar week to and from the
192 judge's residence and the seat of government in Atlanta by the most practical route,
193 during each regular and extraordinary session of court. In the event the judge travels by
194 public carrier for any part of a round trip as provided above, such judge shall receive a
195 travel allowance of actual transportation costs for each such part in lieu of the mileage
196 allowance. Transportation costs incurred by the judge for air travel to and from the
197 judge's residence to the seat of government in Atlanta shall be reimbursed only to the

198 extent that such costs do not exceed the cost of travel by personal motor vehicle. All
199 allowances provided for in this paragraph shall be paid upon the submission of proper
200 vouchers.

201 (3) If the judge resides 50 miles or more from the seat of government in Atlanta, such
202 judge shall also receive the same daily expense allowance as members of the General
203 Assembly receive, as set forth in Code Section 28-1-8, for not more than 35 days during
204 each term of court. Such days shall be utilized only when official court business is being
205 conducted. All allowances provided for in this paragraph shall be paid upon the
206 submission of proper vouchers.

207 (b) The salary provided for in subsection (b) of this Code section shall be the total
208 compensation to be paid by the state to the judge of the Georgia Business Court and shall
209 be in lieu of any and all other amounts to be paid from state funds.

210 15-5A-10.

211 (a) The judge of the Georgia Business Court shall have responsibility for creating and,
212 when needed, making revisions to the rules of the Georgia Business Court and submitting
213 such rules and revisions to the Supreme Court for approval prior to such rules or revisions
214 taking effect.

215 (b) The judge of the Georgia Business Court is authorized to empanel a commission of up
216 to eight individuals to assist the judge in the creation or revision of such rules.

217 15-5A-11.

218 (a) There shall be a clerk of the Georgia Business Court. Such clerk shall be appointed by
219 the Governor, subject to approval by a majority vote of the Senate Judiciary Committee and
220 a majority vote of the House Committee on Judiciary. The Senate Judiciary Committee
221 and the House Committee on Judiciary shall be authorized to meet jointly, with notice
222 provided by the chairpersons of such committees, to consider the approval of such
223 appointment.

224 (b)(1) The initial clerk of the Georgia Business Court shall be appointed and approved
225 by July 31, 2020, and shall serve an initial term beginning on August 1, 2020; provided,
226 however, that beginning on January 1, 2020, and until July 31, 2020, the director of the
227 Administrative Office of the Courts, or his or her designee who shall be an assistant as
228 provided for under Code Section 15-5-23, shall serve as interim clerk of the Georgia
229 Business Court for purposes of performing administrative duties required for establishing
230 the operations of the Georgia Business Court.

231 (2)(A) The clerk of the Georgia Business Court shall serve for a term of five years and
232 may be reappointed for any number of consecutive terms.

233 (B) Vacancies in the office of clerk of the Georgia Business Court shall be filled by
234 appointment of the Governor in the same manner as provided for in subsection (a) of
235 this Code section.

236 (c) The judge of the Georgia Business Court is authorized to fix the annual compensation
237 of the clerk in the form of a salary and expenses, provided that such compensation shall be
238 within the amount of money appropriated for such purposes and approved by the Supreme
239 Court.

240 15-5A-12.

241 (a) The offices of the judge and clerk of the Georgia Business Court shall sit at the seat of
242 government in Atlanta pursuant to subsection (b) of Code Section 15-5A-2.

243 (b) The judge of the Georgia Business Court, in coordination with the clerk of the Georgia
244 Business Court, shall be responsible for designating an electronic filing system and the
245 procedures for filing that shall be articulated in the rules of the Georgia Business Court.

246 15-5A-13.

247 (a) The judge of the Georgia Business Court shall be authorized to appoint law assistants
248 for the use of the court and to remove them at pleasure. Each law assistant of the Georgia
249 Business Court shall have been admitted to the bar of this state as a practicing attorney;
250 provided, however, that an individual who graduated from law school but who is not a
251 member of the bar of this state may be appointed as a law assistant so long as he or she is
252 admitted to the bar of this state within one year of such appointment.

253 (b) It shall be the duty of a law assistant to attend all sessions of the court, if so ordered,
254 and generally to perform the duties incident to the role of law assistant.

255 15-5A-14.

256 The Georgia Business Court may employ and fix the salaries of stenographers, clerical
257 assistants, and such other employees as may be deemed necessary by the court; and the
258 salaries therefor shall be paid by the clerk from the appropriations for the operation of the
259 Georgia Business Court.

260 15-5A-15.

261 The Georgia Business Court shall purchase such books, pamphlets, or other publications,
262 whether in hard copy or digital format, and such other supplies and services as the judge
263 of the Georgia Business Court may deem necessary. The costs thereof shall be paid by the
264 clerk out of the appropriations for the operation of the Georgia Business Court."

265 **SECTION 1-2.**

266 Code Section 45-7-4 of the Official Code of Georgia Annotated, relating to general
267 provisions regarding salaries and fees, is amended by adding a new paragraph to subsection
268 (a) to read as follows:

269 "(19.1) Judge of the Georgia Business Court 174,500.00"

270 **PART II**
271 **SECTION 2-1.**

272 Title 5 of the Official Code of Georgia Annotated, relating to appeal and error, is amended
273 by revising Code Section 5-5-1, relating to power of probate, superior, state, juvenile, and
274 City of Atlanta courts, as follows:

275 "5-5-1.

276 (a) The superior, state, and juvenile courts, the Georgia Business Court, and the City Court
277 of Atlanta shall have power to correct errors and grant new trials in cases or collateral
278 issues in any of the respective courts in such manner and under such rules as they may
279 establish according to law and the usages and customs of courts.

280 (b) Probate courts shall have power to correct errors and grant new trials in civil cases
281 provided for by Article 6 of Chapter 9 of Title 15 under such rules and procedures as apply
282 to the superior courts."

283 **SECTION 2-2.**

284 Said title is further amended by revising Code Section 5-6-33, relating to right of appeal
285 generally, as follows:

286 "5-6-33.

287 (a)(1) Either party in any civil case and the defendant in any criminal proceeding in the
288 superior, state, or city courts, or in the Georgia Business Court, may appeal from any
289 sentence, judgment, decision, or decree of the court, or of the judge thereof in any matter
290 heard at chambers.

291 (2) Either party in any civil case in the probate courts provided for by Article 6 of
292 Chapter 9 of Title 15 may appeal from any judgment, decision, or decree of the court, or
293 of the judge thereof in any matter heard at chambers.

294 (b) This Code section shall not affect Chapter 7 of this title."

295 **SECTION 2-3.**

296 Said title is further amended by revising subsection (a) of Code Section 5-6-34, relating to
297 judgments and rulings deemed directly appealable, procedure for review of judgments,

298 orders, or decisions not subject to direct appeal, scope of review, hearings in criminal cases
 299 involving a capital offense for which death penalty is sought, and appeals involving
 300 nonmonetary judgments in child custody cases, as follows:

301 "(a) Appeals may be taken to the Supreme Court and the Court of Appeals from the
 302 following judgments and rulings of the superior courts, the Georgia Business Court, the
 303 constitutional city courts, and such other courts or tribunals from which appeals are
 304 authorized by the Constitution and laws of this state:

305 (1) All final judgments, that is to say, where the case is no longer pending in the court
 306 below, except as provided in Code Section 5-6-35;

307 (2) All judgments involving applications for discharge in bail trover and contempt cases;

308 (3) All judgments or orders directing that an accounting be had;

309 (4) All judgments or orders granting or refusing applications for receivers or for
 310 interlocutory or final injunctions;

311 (5) All judgments or orders granting or refusing applications for attachment against
 312 fraudulent debtors;

313 (6) Any ruling on a motion which would be dispositive if granted with respect to a
 314 defense that the action is barred by Code Section 16-11-173;

315 (7) All judgments or orders granting or refusing to grant mandamus or any other
 316 extraordinary remedy, except with respect to temporary restraining orders;

317 (8) All judgments or orders refusing applications for dissolution of corporations created
 318 by the superior courts;

319 (9) All judgments or orders sustaining motions to dismiss a caveat to the probate of a
 320 will;

321 (10) All judgments or orders entered pursuant to subsection (c) of Code Section
 322 17-10-6.2;

323 (11) All judgments or orders in child custody cases awarding, refusing to change, or
 324 modifying child custody or holding or declining to hold persons in contempt of such child
 325 custody judgment or orders;

326 (12) All judgments or orders entered pursuant to Code Section 35-3-37; and

327 (13) All judgments or orders entered pursuant to Code Section 9-11-11.1."

328 **SECTION 2-4.**

329 Said title is further amended by revising paragraphs (11) and (12) of and adding a new
 330 paragraph to subsection (a) of Code Section 5-6-35, relating to cases requiring application
 331 for appeal, requirements for application, exhibits, response, issuance of appellate court order
 332 regarding appeal, procedure, supersedeas, jurisdiction of appeal, and appeals involving
 333 nonmonetary judgments in custody cases, to read as follows:

334 "(11) Appeals from decisions of the state courts reviewing decisions of the magistrate
 335 courts by de novo proceedings so long as the subject matter is not otherwise subject to
 336 a right of direct appeal; ~~and~~
 337 (12) Appeals from orders terminating parental rights; and
 338 (13) Appeals from orders and decisions of the Georgia Business Court."

339 **SECTION 2-5.**

340 Said title is further amended by revising subsection (c) of Code Section 5-6-41, relating to
 341 reporting, preparation, and disposition of transcript, correction of omissions or
 342 misstatements, preparation of transcript from recollections, filing of disallowed papers, filing
 343 of stipulations in lieu of transcript, and reporting at party's expense, as follows:

344 "(c) In all civil cases tried in the superior and city courts, in the Georgia Business Court,
 345 and in any other court, the judgments of which are subject to review by the Supreme Court
 346 or the Court of Appeals, the trial judge thereof may require the parties to have the
 347 proceedings and evidence reported by a court reporter, the costs thereof to be borne equally
 348 between them; and, where an appeal is taken which draws in question the transcript of the
 349 evidence and proceedings, it shall be the duty of the appellant to have the transcript
 350 prepared at the appellant's expense. Where it is determined that the parties, or either of
 351 them, are financially unable to pay the costs of reporting or transcribing, the judge may, in
 352 the judge's discretion, authorize trial of the case unreported; and, when it becomes
 353 necessary for a transcript of the evidence and proceedings to be prepared, it shall be the
 354 duty of the moving party to prepare the transcript from recollection or otherwise."

355 **PART III**

356 **SECTION 3-1.**

357 Chapter 4 of Title 9 of the Official Code of Georgia Annotated, relating to declaratory
 358 judgments, is amended by revising Code Section 9-4-2, relating to declaratory judgments
 359 authorized and force and effect, as follows:

360 "9-4-2.

361 (a) In cases of actual controversy, the respective superior courts of this state, and the
 362 Georgia Business Court if appropriate jurisdiction can be established, shall have power,
 363 upon petition or other appropriate pleading, to declare rights and other legal relations of
 364 any interested party petitioning for such declaration, whether or not further relief is or
 365 could be prayed; and the declaration shall have the force and effect of a final judgment or
 366 decree and be reviewable as such.

367 (b) In addition to the cases specified in subsection (a) of this Code section, the respective
 368 superior courts of this state and the Georgia Business Court shall have power, upon petition
 369 or other appropriate pleading, to declare rights and other legal relations of any interested
 370 party petitioning for the declaration, whether or not further relief is or could be prayed, in
 371 any civil case in which it appears to the court that the ends of justice require that the
 372 declaration should be made; and the declaration shall have the force and effect of a final
 373 judgment or decree and be reviewable as such.

374 (c) Relief by declaratory judgment shall be available, notwithstanding the fact that the
 375 complaining party has any other adequate legal or equitable remedy or remedies."

376 **SECTION 3-2.**

377 Said chapter is further amended by revising Code Section 9-4-5, relating to filing and service,
 378 time of trial, and drawing of jury, as follows:

379 "9-4-5.

380 A proceeding instituted under this chapter shall be filed and served as are other cases in the
 381 superior courts of this state or in the Georgia Business Court and may be tried at any time
 382 designated by the court not earlier than 20 days after the service thereof, unless the parties
 383 consent in writing to an earlier trial. If there is an issue of fact which requires a submission
 384 to a jury, the jury may be drawn, summoned, and sworn either in regular term or specially
 385 for the pending case."

386 **SECTION 3-3.**

387 Said chapter is further amended by revising Code Section 9-4-10, relating to equity
 388 jurisdiction not impaired, as follows:

389 "9-4-10.

390 Nothing in this chapter is intended to impair the equity jurisdiction of the superior courts
 391 of the state or of the Georgia Business Court."

392 **SECTION 3-4.**

393 Title 23 of the Official Code of Georgia Annotated, relating to equity, is amended by revising
 394 Code Section 23-1-1, relating to equity jurisdiction – vested in superior courts, as follows:

395 "23-1-1.

396 All equity jurisdiction shall be vested in the superior courts of the several counties and in
 397 the Georgia Business Court if jurisdiction is otherwise appropriate."

398 **SECTION 3-5.**

399 Said title is further amended by revising Code Section 23-4-3, relating to claim of legal and
400 equitable relief by defendant, as follows:

401 "23-4-3.

402 A defendant to any action in the superior court or in the Georgia Business Court, whether
403 the action is for legal or equitable relief, may claim legal or equitable relief, or both, by
404 framing proper pleadings for that purpose and sustaining them by sufficient evidence."

405 **SECTION 3-6.**

406 Said title is further amended by revising Code Section 23-4-33, relating to decree in will or
407 contract matters and consent of guardian or guardian ad litem, as follows:

408 "23-4-33.

409 When it becomes impossible to carry out any last will and testament in whole or in part,
410 and in all matters of contract, the judges of the superior courts, and the judge of the Georgia
411 Business Court in matters of contract only, shall have power to render any decree that may
412 be necessary and legal, provided that all parties in interest shall consent thereto in writing
413 and there shall be no issue as to the facts or, if there is such an issue, that there shall be a
414 like consent in writing that the judge presiding may hear and determine such facts, subject
415 to a review on appeal, as in other cases. In all cases where minors are interested, the
416 consent of the guardian at law or the guardian ad litem shall be obtained before the decree
417 is rendered."

418 **SECTION 3-7.**

419 Said title is further amended by revising Code Section 23-4-37, relating to attachments for
420 contempt and executions against property, as follows:

421 "23-4-37.

422 Every decree or order of a superior court or the Georgia Business Court in equitable
423 proceedings may be enforced by attachment against the person for contempt. Decrees for
424 money may be enforced by execution against the property. If a decree is partly for money
425 and partly for the performance of a duty, the former may be enforced by execution and the
426 latter by attachment or other process."

427 **SECTION 3-8.**

428 Code Section 33-39-21 of the Official Code of Georgia Annotated, relating to violation of
429 chapter – equitable relief, damages recoverable, costs and attorney's fees, statute of
430 limitations, and limitation on remedy or recovery, is amended by revising subsection (a) as
431 follows:

432 "(a) If any insurance institution, agent, or insurance-support organization fails to comply
433 with Code Section 33-39-9, 33-39-10, or 33-39-11 with respect to the rights granted under
434 those Code sections, any person whose rights are violated may apply to any superior court
435 of this state; having jurisdiction over the defendant, or to the Georgia Business Court if
436 proper jurisdiction can be established, for appropriate equitable relief."

437 **PART IV**

438 **SECTION 4-1.**

439 This Act shall become effective upon approval of this Act by the Governor or upon its
440 becoming law without such approval.

441 **SECTION 4-2.**

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