

The Senate Committee on Banking and Financial Institutions offered the following substitute to SB 37:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 2 of Chapter 5 of Title 13 of the Official Code of Georgia Annotated,  
2 relating to the statute of frauds, so as to clarify that an agreement to modify, alter, cancel,  
3 repeal, revoke, release, or rescind a promise, agreement, contract, or commitment that is  
4 subject to the statute of frauds shall itself be in writing and subject to the statute of frauds;  
5 to respond to the holdings in *Crop Production Services, Inc. v. Moye*, 345 Ga. App. 228  
6 (March 15, 2018); to provide for related matters; to repeal conflicting laws; and for other  
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 2 of Chapter 5 of Title 13 of the Official Code of Georgia Annotated, relating to the  
11 statute of frauds, is amended by revising Code Section 13-5-30, relating to agreements  
12 required to be in writing, as follows:

13 "13-5-30.

14 (a) To make the following obligations binding on the promisor, the promise must be in  
15 writing and signed by the party to be charged therewith or some person lawfully authorized  
16 by him or her:

17 (1) A promise by an executor, administrator, guardian, or trustee to answer damages out  
18 of his or her own estate;

19 (2) A promise to answer for the debt, default, or miscarriage of another;

20 (3) Any agreement made upon consideration of marriage;

21 (4) Any contract for sale of lands, or any interest in, or concerning lands;

22 (5) Any agreement that is not to be performed within one year from the making thereof;

23 (6) Any promise to revive a debt barred by a statute of limitation; and

24 (7) Any commitment to lend money.

25 (b) Any agreement to modify, alter, cancel, repeal, revoke, release, or rescind a promise,  
26 agreement, contract, or commitment provided for in subsection (a) of this Code section

27 must be in writing and signed by all parties to such agreement; provided, however, that if  
28 the party against whom enforcement of such agreement is sought admits that the agreement  
29 was made in a pleading, in testimony, or otherwise in court, then such agreement is  
30 enforceable if valid in all other respects."

31 **SECTION 2.**

32 All laws and parts of laws in conflict with this Act are repealed.