

The Senate Committee on Judiciary offered the following substitute to SB 110:

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 State-wide Business Court pursuant to the Constitution of this state; to provide
3 for 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 State-wide 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 State-wide Business Court; to provide for law assistants and other employees; to
9 amend Code Section 45-7-4 of the Official Code of Georgia Annotated, relating to general
10 provisions regarding salaries and fees, so as to designate a salary for the judge of the
11 State-wide Business Court; to amend Title 5 of the Official Code of Georgia Annotated,
12 relating to appeal and error, so as to make conforming changes regarding appeals; to amend
13 Chapter 4 of Title 9, Title 23, and Code Section 33-39-21 of the Official Code of Georgia
14 Annotated, relating to declaratory judgments, equity, and equitable relief relative to
15 insurance, respectively, so as to make conforming changes regarding equity; to provide for
16 related matters; to provide for an effective date; to repeal conflicting laws; and for other
17 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:

"CHAPTER 5A

23

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 State-wide Business Court. Nothing in this chapter shall
27 preclude a superior court from creating a business court division for its circuit or preclude
28 a state court from creating a business court division, in the manner provided by law.

29 15-5A-2.

30 (a) The terms of court for the State-wide Business Court shall be the same as the terms of
31 court for the Supreme Court.

32 (b) The State-wide Business Court shall sit in Macon-Bibb County and shall conduct
33 proceedings and trials in locations as provided for in this Code section.

34 (c)(1) All cases before the State-wide Business Court may have pretrial proceedings
35 conducted in Macon-Bibb County or conducted in the county in which the trial of such
36 case must be conducted pursuant to the Constitution of this state. In his or her discretion,
37 the judge of the State-wide Business Court may conduct pretrial proceedings by means
38 of telephone or video conferencing pursuant to the rules of the State-wide Business Court.

39 (2) Any trial of a case that is before the State-wide Business Court shall take place in the
40 county as prescribed by the Constitution of this state.

41 (d) Except as provided for under this chapter, the trial of a case before the State-wide
42 Business Court, whether a bench trial or jury trial, shall be conducted and presided over in
43 like manner as if such case was being heard in the superior court or state court from which
44 it was transferred or removed or, if such case was initiated by the filing of a pleading with
45 the State-wide Business Court, then in like manner as if such case was being heard in the
46 superior court wherein venue is otherwise proper under the Constitution of this state. The
47 clerk of the superior court or state court wherein venue for such case is otherwise proper
48 shall render assistance to the State-wide Business Court for purposes of providing for jury
49 trials.

50 (e) If the judge of the State-wide Business Court must recuse himself or herself from a
51 case pending before the court, he or she shall notify the Chief Justice of the Supreme Court
52 who shall appoint any senior judge of the superior court or state court or any judge of a
53 business court division of a superior court to sit by designation as judge of the State-wide
54 Business Court for purposes of presiding over such case.

55 15-5A-3.

56 (a) Except as provided in subsection (b) of this Code section, pursuant to the process
57 provided for in Code Section 15-5A-4, the State-wide Business Court shall have authority
58 to:

59 (1) Exercise concurrent jurisdiction and the powers of a court of equity, to the extent that
60 such powers are exercised:

61 (A) Where the amount in controversy is at least \$250,000.00 or where equitable relief
62 is sought, in claims:

63 (i) Arising under Part 1 of Article 1 of Chapter 9 of Title 9, the 'Georgia Arbitration
64 Code';

65 (ii) Arising under Part 2 of Article 1 of Chapter 9 of Title 9, the 'Georgia
66 International Commercial Arbitration Code,' for which an application may be made
67 to a court of this state;

68 (iii) Arising under Article 27 of Chapter 1 of Title 10, the 'Georgia Trade Secrets Act
69 of 1990';

70 (iv) Involving securities, including, but not limited to, disputes arising under
71 Chapter 5 of Title 10, the 'Georgia Uniform Securities Act of 2008';

72 (v) Arising under Title 11, the 'Uniform Commercial Code';

73 (vi) Arising under Chapter 2 of Title 14, the 'Georgia Business Corporation Code';

74 (vii) Arising under Chapter 8 of Title 14, the 'Uniform Partnership Act';

75 (viii) Arising under Chapter 9 of Title 14, the 'Georgia Revised Uniform Limited
76 Partnership Act';

77 (ix) Arising under Chapter 9A of Title 14, the 'Uniform Limited Partnership Act';

78 (x) Arising under Chapter 11 of Title 14, the 'Georgia Limited Liability Company
79 Act';

80 (xi) That relate to the internal affairs of businesses, including, but not limited to,
81 rights or obligations between or among business participants regarding the liability
82 or indemnity of business participants, officers, directors, managers, trustees, or
83 partners;

84 (xii) Involving registration and use of trademarks, service marks, and trade names,
85 including, but not limited to, disputes arising under Article 16 of Chapter 1 of
86 Title 10; and

87 (xiii) Involving noncompetition or nonsolicitation covenants;

88 (xiv) Where the complaint includes a professional malpractice claim arising out of
89 a business dispute;

- 90 (xv) Involving tort claims between or among two or more business entities or
 91 individuals as to their business or investment activities relating to contracts,
 92 transactions, or relationships between or among such entities or individuals;
 93 (xvi) Involving claims for breach of contract, fraud, or misrepresentation between
 94 businesses arising out of business transactions or relationships; and
 95 (xvii) Arising from e-commerce agreements; technology licensing agreements,
 96 including, but not limited to, software and biotechnology license agreements; or any
 97 other agreement involving the licensing of any intellectual property right, including,
 98 but not limited to, an agreement relating to patent rights; and
 99 (B) Where the amount in controversy is at least \$1 million, in claims involving
 100 commercial real property;
 101 (2) Exercise concurrent jurisdiction and the powers of a court of equity, to the extent that
 102 such powers are exercised in claims arising under federal law over which courts of this
 103 state have concurrent jurisdiction to the extent such claims are provided for under
 104 paragraph (1) of this subsection;
 105 (3) Have supplemental jurisdiction over all pending claims that are so related to the
 106 claims in cases provided for under paragraph (1) or (2) of this subsection that such
 107 pending claims form part of the same case or controversy;
 108 (4) Punish contempt by fines not exceeding \$1,000.00, by imprisonment not exceeding
 109 20 days, or both; and
 110 (5) Exercise such other powers, not contrary to the Constitution, as are or may be given
 111 to such a court by law.
 112 (b) The State-wide Business Court shall not have authority to exercise jurisdiction over
 113 claims involving:
 114 (1) Physical injury inflicted upon the body of a person or death;
 115 (2) Mental or emotional injury inflicted upon a person;
 116 (3) Residential landlord and tenant disputes; or
 117 (4) Foreclosures.
- 118 15-5A-4.
 119 (a) Except as provided in subsection (b) of this Code section, cases provided for under
 120 Code Section 15-5A-3 may come before the State-wide Business Court by:
 121 (1) The filing of a pleading with the State-wide Business Court to initiate a civil action;
 122 provided, however, that any defendant within 60 days after receipt by all defendants,
 123 through service of process, of a copy of the initial pleading setting forth the claim for
 124 relief upon which such action is based may petition the State-wide Business Court to
 125 transfer such action to the superior court or state court with which venue is otherwise

126 proper and the judge of the State-wide Business Court shall compel transfer of the case
127 to such superior court or state court, unless the action involves a contract claim or dispute
128 where all parties are persons engaged in business or business entities and such contract
129 provides that such dispute shall come before the State-wide Business Court;

130 (2) The filing of a petition with the State-wide Business Court by any defendant to an
131 action already initiated and filed in superior court or state court seeking transfer of such
132 action to the State-wide Business Court, provided that:

133 (A) Such petition:

134 (i) Is filed within 60 days after receipt by all defendants, through service of process,
135 of a copy of the initial pleading setting forth the claim for relief upon which such
136 action is based; or

137 (ii) If the case as reflected in the initial pleading is not transferable, is filed within 60
138 days after receipt by all defendants, through service of process or otherwise, of a copy
139 of an amended pleading, motion, order, or other document from which it may first be
140 ascertained that the case is or has become transferable;

141 (B) No party within 60 days after the filing of such petition objects to such transfer,
142 and if any party objects, such objection shall compel dismissal of such petition to
143 transfer, unless the action involves a contract claim or dispute where all parties are
144 persons engaged in business or business entities and such contract provides that such
145 dispute shall come before the State-wide Business Court; and

146 (C) The judge of the State-wide Business Court, after considering the petition and any
147 timely response from the other party or parties in the case as provided for in the rules
148 of the State-wide Business Court, compels transfer of the case to the State-wide
149 Business Court upon finding by written order that the case is within the authority of the
150 court pursuant to Code Section 15-5A-3; or

151 (3) Agreement of all parties to an action already initiated and filed in superior court or
152 state court seeking removal of such case to the State-wide Business Court, where such
153 agreement was made in writing and signed by all parties after the action was initiated and
154 filed, and upon the filing of such agreement with the State-wide Business Court, provided
155 that such agreement is filed within 60 days after receipt by all defendants, through service
156 of process, of a copy of the initial pleading setting forth the claim for relief upon which
157 such action is based.

158 (b) The judge of the State-wide Business Court may, upon his or her own motion and in
159 consideration of the transfer preferences of the parties, even if the claims within such
160 petition or pleading are within the jurisdiction of the State-wide Business Court:

161 (1) Transfer to the superior court or state court any or all claims filed with an action in
162 the State-wide Business Court; or

163 (2) Reject acceptance of any pleading initiating an action in, or petition to transfer or
164 remove an action to, the State-wide Business Court.

165 15-5A-5.

166 (a) The fee for filing a case with, or having a case transferred or removed to, the
167 State-wide Business Court shall be \$1,000.00, to be paid by:

168 (1) The party or parties filing the action in, or seeking transfer or removal to, the
169 State-wide Business Court under paragraph (1) or (2) of subsection (a) of Code
170 Section 15-5A-4; or

171 (2) An equal allocation across all parties to an agreement removing the case to the
172 State-wide Business Court under paragraph (3) of subsection (a) of Code
173 Section 15-5A-4.

174 (b) All fees collected by the clerk of the State-wide Business Court pursuant to this Code
175 section shall be the property of the state and the same shall be paid into the state treasury.

176 15-5A-6.

177 (a)(1) The State-wide Business Court shall consist of one judge and one division.

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

180 (b) No individual shall be judge of the State-wide Business Court unless, at the time of his
181 or her appointment, he or she has:

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

183 (2) Been admitted to practice law in this state for at least seven years; and

184 (3) At least 15 years of legal experience in complex business litigation.

185 15-5A-7.

186 (a) The judge of the State-wide Business Court shall be appointed by the Governor, subject
187 to confirmation by a majority vote of the Senate Judiciary Committee and a majority vote
188 of the House Committee on Judiciary; provided, however, that such committees may meet
189 jointly for deliberation, interview, or informational purposes prior to separately convening
190 for purposes of voting.

191 (b)(1) The initial judge of the State-wide Business Court shall be appointed and
192 confirmed by December 31, 2019, and shall serve an initial term beginning on August 1,
193 2020; provided, however, that beginning on January 1, 2020, such initial judge may
194 perform the administrative duties required for establishing the State-wide Business Court
195 and, if so, shall receive compensation as the judge of the State-wide Business Court
196 beginning on such date and for such purposes.

197 (2)(A) The judge of the State-wide Business Court shall serve for a term of five years
198 and may be reappointed for any number of consecutive terms so long as he or she meets
199 the qualifications of appointment at the time of each appointment and is approved as
200 provided for in subsection (a) of this Code section.

201 (B) Vacancies in the office of judge of the State-wide Business Court shall be filled in
202 the same manner as provided for in subsection (a) of this Code section.

203 (c) The judge of the State-wide Business Court shall be deemed to serve the geographical
204 area of this state.

205 15-5A-8.

206 (a) Before entering on the discharge of his or her duties, the judge of the State-wide
207 Business Court shall take the oath prescribed for judges of the superior courts, along with
208 all other oaths required for civil officers.

209 (b)(1) The annual salary of the judge of the State-wide Business Court shall be as
210 specified in Code Section 45-7-4. Such salary shall be paid in equal monthly
211 installments.

212 (2) The judge of the State-wide Business Court shall receive expenses and allowances
213 as provided for in Code Section 45-7-20. If the judge resides 50 miles or more from
214 Macon-Bibb County, such judge shall also receive a mileage allowance for the use of a
215 personal motor vehicle when devoted to official business as provided for in Code Section
216 50-19-7, for not more than one round trip per calendar week to and from the judge's
217 residence and the boundary line of Macon-Bibb County by the most practical route,
218 during each regular and extraordinary session of court. In the event the judge travels by
219 public carrier for any part of a round trip as provided above, such judge shall receive a
220 travel allowance of actual transportation costs for each such part in lieu of the mileage
221 allowance. Transportation costs incurred by the judge for air travel to and from the
222 judge's residence to Macon-Bibb County shall be reimbursed only to the extent that such
223 costs do not exceed the cost of travel by personal motor vehicle. All allowances provided
224 for in this paragraph shall be paid upon the submission of proper vouchers.

225 (3) If the judge resides 50 miles or more from Macon-Bibb County, such judge shall also
226 receive the same daily expense allowance as members of the General Assembly receive,
227 as set forth in Code Section 28-1-8, for not more than 35 days during each term of court.
228 Such days shall be utilized only when official court business is being conducted. All
229 allowances provided for in this paragraph shall be paid upon the submission of proper
230 vouchers.

231 (c) The salary provided for in subsection (b) of this Code section shall be the total
232 compensation to be paid by the state to the judge of the State-wide Business Court and
233 shall be in lieu of any and all other amounts to be paid from state funds.

234 15-5A-9.

235 By July 1, 2020, and thereafter, the State-wide Business Court shall maintain rules to
236 effectuate its purposes. Such rules shall conform to Chapter 11 of Title 9, the 'Georgia
237 Civil Practice Act,' where related and applicable. The Supreme Court shall provide for the
238 promulgation and implementation of such rules.

239 15-5A-10.

240 (a) There shall be a clerk of the State-wide Business Court. Such clerk shall be appointed
241 by the Governor, subject to approval by a majority vote of the Senate Judiciary Committee
242 and a majority vote of the House Committee on Judiciary; provided, however, that such
243 committees may meet jointly for deliberation, interview, or informational purposes prior
244 to separately convening for purposes of voting.

245 (b)(1) The initial clerk of the State-wide Business Court shall be appointed and
246 confirmed by December 31, 2019, and shall serve an initial term beginning on August 1,
247 2020; provided, however, that beginning on January 1, 2020, such initial clerk may
248 perform the administrative duties required for establishing the State-wide Business Court
249 and, if so, shall receive compensation as the clerk of the State-wide Business Court
250 beginning on such date and for such purposes.

251 (2)(A) The clerk of the State-wide Business Court shall serve for a term of five years
252 and may be reappointed for any number of consecutive terms so long as he or she is
253 approved as provided for in subsection (a) of this Code section.

254 (B) Vacancies in the office of clerk of the State-wide Business Court shall be filled in
255 the same manner as provided for in subsection (a) of this Code section.

256 (c) The annual compensation of the clerk of the State-wide Business Court shall be equal
257 to the annual compensation provided for the clerk of the Court of Appeals.

258 15-5A-11.

259 (a) The offices of the judge and clerk of the State-wide Business Court shall sit in
260 Macon-Bibb County pursuant to subsection (b) of Code Section 15-5A-2.

261 (b) The judge of the State-wide Business Court, in coordination with the clerk of the
262 State-wide Business Court, shall be responsible for designating an electronic filing system
263 and the procedures for filing that shall be articulated in the rules of the State-wide Business
264 Court.

265 15-5A-12.

266 (a) The judge of the State-wide Business Court shall be authorized to appoint law clerks
267 and staff attorneys for the use of the court and to remove them at pleasure. Each law clerk
268 and staff attorney of the State-wide Business Court shall have been admitted to the bar of
269 this state as a practicing attorney; provided, however, that an individual who graduated
270 from law school but who is not a member of the bar of this state may be appointed as a law
271 clerk or staff attorney so long as he or she is admitted to the bar of this state within one
272 year of such appointment.

273 (b) It shall be the duty of a law clerk and staff attorney to attend all sessions of the court,
274 if so ordered, and generally to perform the duties incident to the role of a law clerk or staff
275 attorney.

276 15-5A-13.

277 The State-wide Business Court may employ and fix the salaries of stenographers, clerical
278 assistants, and such other employees as may be deemed necessary by the court; and the
279 salaries therefor shall be paid by the clerk from the appropriations for the operation of the
280 State-wide Business Court.

281 15-5A-14.

282 The State-wide Business Court shall purchase such books, pamphlets, or other publications
283 and such other supplies and services as the judge of the State-wide Business Court may
284 deem necessary. The costs thereof shall be paid by the clerk out of the appropriations for
285 the operation of the State-wide Business Court."

286 **SECTION 1-2.**

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

290 "(19.1) Judge of the State-wide Business Court 174,500.00"

291 **PART II**

292 **SECTION 2-1.**

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

296 "5-5-1.

297 (a) The superior, state, and juvenile courts, the State-wide Business Court, and the City
 298 Court of Atlanta shall have power to correct errors and grant new trials in cases or
 299 collateral issues in any of the respective courts in such manner and under such rules as they
 300 may establish according to law and the usages and customs of courts.

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

304 **SECTION 2-2.**

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

307 "5-6-33.

308 (a)(1) Either party in any civil case and the defendant in any criminal proceeding in the
 309 superior, state, or city courts, or in the State-wide Business Court, may appeal from any
 310 sentence, judgment, decision, or decree of the court, or of the judge thereof in any matter
 311 heard at chambers.

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

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

316 **SECTION 2-3.**

317 Said title is further amended by revising subsection (a) of Code Section 5-6-34, relating to
 318 judgments and rulings deemed directly appealable, procedure for review of judgments,
 319 orders, or decisions not subject to direct appeal, scope of review, hearings in criminal cases
 320 involving a capital offense for which death penalty is sought, and appeals involving
 321 nonmonetary judgments in child custody cases, as follows:

322 "(a) Appeals may be taken to the Supreme Court and the Court of Appeals from the
 323 following judgments and rulings of the superior courts, the State-wide Business Court, the
 324 constitutional city courts, and such other courts or tribunals from which appeals are
 325 authorized by the Constitution and laws of this state:

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

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

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

- 330 (4) All judgments or orders granting or refusing applications for receivers or for
 331 interlocutory or final injunctions;
- 332 (5) All judgments or orders granting or refusing applications for attachment against
 333 fraudulent debtors;
- 334 (6) Any ruling on a motion which would be dispositive if granted with respect to a
 335 defense that the action is barred by Code Section 16-11-173;
- 336 (7) All judgments or orders granting or refusing to grant mandamus or any other
 337 extraordinary remedy, except with respect to temporary restraining orders;
- 338 (8) All judgments or orders refusing applications for dissolution of corporations created
 339 by the superior courts;
- 340 (9) All judgments or orders sustaining motions to dismiss a caveat to the probate of a
 341 will;
- 342 (10) All judgments or orders entered pursuant to subsection (c) of Code Section
 343 17-10-6.2;
- 344 (11) All judgments or orders in child custody cases awarding, refusing to change, or
 345 modifying child custody or holding or declining to hold persons in contempt of such child
 346 custody judgment or orders;
- 347 (12) All judgments or orders entered pursuant to Code Section 35-3-37; and
- 348 (13) All judgments or orders entered pursuant to Code Section 9-11-11.1."

349 **SECTION 2-4.**

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

354 "(c) In all civil cases tried in the superior and city courts, in the State-wide Business Court,
 355 and in any other court, the judgments of which are subject to review by the Supreme Court
 356 or the Court of Appeals, the trial judge thereof may require the parties to have the
 357 proceedings and evidence reported by a court reporter, the costs thereof to be borne equally
 358 between them; and, where an appeal is taken which draws in question the transcript of the
 359 evidence and proceedings, it shall be the duty of the appellant to have the transcript
 360 prepared at the appellant's expense. Where it is determined that the parties, or either of
 361 them, are financially unable to pay the costs of reporting or transcribing, the judge may, in
 362 the judge's discretion, authorize trial of the case unreported; and, when it becomes
 363 necessary for a transcript of the evidence and proceedings to be prepared, it shall be the
 364 duty of the moving party to prepare the transcript from recollection or otherwise."

365

PART III

366

SECTION 3-1.

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

370 "9-4-2.

371 (a) In cases of actual controversy, the respective superior courts of this state, and the
 372 State-wide Business Court if appropriate jurisdiction can be established, shall have power,
 373 upon petition or other appropriate pleading, to declare rights and other legal relations of
 374 any interested party petitioning for such declaration, whether or not further relief is or
 375 could be prayed; and the declaration shall have the force and effect of a final judgment or
 376 decree and be reviewable as such.

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

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

386

SECTION 3-2.

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

389 "9-4-5.

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

396

SECTION 3-3.

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

399 "9-4-10.

400 Nothing in this chapter is intended to impair the equity jurisdiction of the superior courts
401 of the state or of the State-wide Business Court."

402 **SECTION 3-4.**

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

405 "23-1-1.

406 All equity jurisdiction shall be vested in the superior courts of the several counties and in
407 the State-wide Business Court if jurisdiction is otherwise appropriate."

408 **SECTION 3-5.**

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

411 "23-4-3.

412 A defendant to any action in the superior court or in the State-wide Business Court,
413 whether the action is for legal or equitable relief, may claim legal or equitable relief, or
414 both, by framing proper pleadings for that purpose and sustaining them by sufficient
415 evidence."

416 **SECTION 3-6.**

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

419 "23-4-33.

420 When it becomes impossible to carry out any last will and testament in whole or in part,
421 and in all matters of contract, the judges of the superior courts, and the judge of the
422 State-wide Business Court in matters of contract only, shall have power to render any
423 decree that may be necessary and legal, provided that all parties in interest shall consent
424 thereto in writing and there shall be no issue as to the facts or, if there is such an issue, that
425 there shall be a like consent in writing that the judge presiding may hear and determine
426 such facts, subject to a review on appeal, as in other cases. In all cases where minors are
427 interested, the consent of the guardian at law or the guardian ad litem shall be obtained
428 before the decree is rendered."

429 **SECTION 3-7.**

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

432 "23-4-37.
433 Every decree or order of a superior court or the State-wide Business Court in equitable
434 proceedings may be enforced by attachment against the person for contempt. Decrees for
435 money may be enforced by execution against the property. If a decree is partly for money
436 and partly for the performance of a duty, the former may be enforced by execution and the
437 latter by attachment or other process."

438 **SECTION 3-8.**

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

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

448 **PART IV**

449 **SECTION 4-1.**

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

452 **SECTION 4-2.**

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