

The House Committee on Judiciary offers 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 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 5
12 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 and Title 23 of the
14 Official Code of Georgia Annotated, relating to declaratory judgments and equity,
15 respectively, so as to make conforming changes regarding equity; to amend Article 2 of
16 Chapter 11 of Title 9 of the Official Code of Georgia Annotated, relating to commencement
17 of action and service, so as to revise provisions regarding the electronic service of pleadings;
18 to provide for related matters; to provide for an effective date; to repeal conflicting laws; and
19 for other purposes.

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

21 **PART I**
22 **SECTION 1-1.**

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

S. B. 110 (SUB)

"CHAPTER 5A

25

26 15-5A-1.

27 There shall be a state-wide business court as provided for in Article VI of the Constitution
 28 of this state to be known as the Georgia Business Court. Nothing in this chapter shall
 29 preclude a superior court from creating or continuing an existing business court division
 30 for its circuit on the effective date of this chapter or preclude a state court from creating or
 31 continuing an existing business court division on the effective date of this chapter in the
 32 manner provided by law.

33 15-5A-2.

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

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

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

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

47 (d) The judge of the Georgia Business Court to whom a case is assigned shall preside over
 48 a bench trial unless any party requests a jury trial. If such request is made, the judge of the
 49 Georgia Business Court to whom the case is assigned shall preside over such jury trial.

50 (e) Proper venue in the Georgia Business Court shall be as provided:

51 (1) In Code Section 9-10-93 or 14-2-510 or as otherwise prescribed by law or the
 52 Constitution of this state when initiating a civil action that has not already been filed in
 53 superior court or state court; provided, however, that, if more than one venue is proper,
 54 then the party initiating the civil action in the Georgia Business Court shall select among
 55 the proper venues at the time of filing in the Georgia Business Court;

56 (2) In the pleadings, if proper, that initiated the civil action in superior court or state
 57 court when petitioning the Georgia Business Court for removal or transfer; provided,
 58 however, that, if venue is improper in the pleading that initiated the civil action in

59 superior court or state court, then venue shall be set by the Judge of the Georgia Business
 60 Court; or

61 (3) By the parties when all parties agree on the proper venue.

62 (f) When the judge of the Georgia Business Court is disqualified to sit in a case or
 63 proceeding pursuant to the Georgia Code of Judicial Conduct or Code Section 15-1-8, such
 64 judge shall order the transfer of the case to another judge of the Georgia Business Court,
 65 if applicable, and if no other judge of the Georgia Business Court may preside over such
 66 case, then the Supreme Court shall order a sitting judge of the Court of Appeals, the
 67 superior court, or the state court to sit by designation as a judge of the Georgia Business
 68 Court. A motion to recuse shall be made in accordance with the rules of the Georgia
 69 Business Court.

70 15-5A-3.

71 (a) Except as provided in subsection (b) of this Code section, pursuant to the process
 72 provided for in Code Section 15-5A-4, the Georgia Business Court shall have authority to:

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

75 (A) Notwithstanding the amount in controversy, where equity relief is requested in
 76 claims:

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

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

82 (iii) Involving securities, including, but not limited to, disputes arising under Chapter
 83 5 of Title 10, the 'Georgia Uniform Securities Act of 2008';

84 (iv) Arising under Title 11, the 'Uniform Commercial Code';

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

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

87 (vii) Arising under Chapter 9 of Title 14, the 'Georgia Revised Uniform Limited
 88 Partnership Act';

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

90 (ix) Arising under Chapter 11 of Title 14, the 'Georgia Limited Liability Company
 91 Act';

92 (x) That relate to the internal affairs of businesses, including, but not limited to, rights
 93 or obligations between or among business participants regarding the liability or
 94 indemnity of business participants, officers, directors, managers, trustees, or partners;

- 95 (xi) Arising under federal law over which courts of this state have concurrent
 96 jurisdiction;
- 97 (xii) Where the complaint includes a professional malpractice claim arising out of a
 98 business dispute;
- 99 (xiii) Involving tort claims between or among two or more business entities or
 100 individuals as to their business or investment activities relating to contracts,
 101 transactions, or relationships between or among such entities or individuals;
- 102 (xiv) For breach of contract, fraud, or misrepresentation between businesses arising
 103 out of business transactions or relationships;
- 104 (xv) Arising from e-commerce agreements; technology licensing agreements,
 105 including, but not limited to, software and biotechnology license agreements; or any
 106 other agreement involving the licensing of any intellectual property right, including,
 107 but not limited to, an agreement relating to patent rights; and
- 108 (xvi) Involving commercial real property; and
- 109 (B) Where damages are the only relief requested the amount in controversy shall be at
 110 least:
- 111 (i) One million dollars for claims under subparagraph (A) of this paragraph involving
 112 commercial real property; or
- 113 (ii) Two hundred and fifty thousand dollars for claims under subparagraph (A) of this
 114 paragraph not involving commercial real property;
- 115 (2) Have supplemental jurisdiction over all pending claims that are so related to the
 116 claims in cases provided for under paragraph (1) of this subsection that such pending
 117 claims form part of the same case or controversy;
- 118 (3) Punish contempt by fines not exceeding \$1,000.00, by imprisonment not exceeding
 119 20 days, or both; and
- 120 (4) Exercise such other powers, not contrary to the Constitution, as are or may be given
 121 to such a court by law.
- 122 (b) The Georgia Business Court shall not have authority to exercise jurisdiction over
 123 claims involving:
- 124 (1) Physical injury inflicted upon the body of a person or death;
 125 (2) Mental or emotional injury inflicted upon a person;
 126 (3) Residential landlord and tenant disputes; or
 127 (4) Foreclosures.
- 128 15-5A-4.
- 129 (a) Except as provided in subsection (b) of this Code section, all claims provided for under
 130 Code Section 15-5A-3 may only come before the Georgia Business Court by:

131 (1) Any party filing a pleading with the Georgia Business Court to initiate a civil action
132 that is not already pending in superior court or state court;
133 (2) All parties to a civil action already filed in superior court or state court agreeing to
134 remove the action to the Georgia Business Court and then filing such agreement with the
135 Georgia Business Court, provided that the petition for removal is filed within 60 days of
136 such action being filed in superior court or state court; or
137 (3) Any party to a civil action already filed in superior court or state court filing with the
138 Georgia Business Court a petition to transfer such action to the Georgia Business Court:
139 (A) Within 60 days after receipt by all defendants, through service of process as
140 provided in Code Section 9-11-4, of a copy of the initial pleadings setting forth the
141 claim for relief upon which such action is based and the judge of the Georgia Business
142 Court, after considering the petition to transfer and all timely responses from the other
143 party or parties in the case as provided for in the rules of the Georgia Business Court,
144 finds by written order that the case is within the authority of the Georgia Business Court
145 pursuant to Code Section 15-5A-3 and upon such finding compels transfer of the case
146 to the Georgia Business Court; or
147 (B) Within 60 days after receipt by all defendants, through service of process as
148 provided in Code Section 9-11-4 or otherwise, of a copy of an amended pleading,
149 motion, order, or other document from which the party petitioning for transfer may first
150 ascertain that the case is transferable and the judge of the Georgia Business Court, after
151 considering the petition to transfer and all timely responses from the other party or
152 parties in the case as provided for in the rules of the Georgia Business Court, finds by
153 written order that the case is within the authority of the Georgia Business Court
154 pursuant to Code Section 15-5A-3 and upon such finding compels transfer of the case
155 to the Georgia Business Court.
156 (b) The Georgia Business Court may transfer to the appropriate superior court or state
157 court any and all claims filed in the Georgia Business Court and may reject acceptance of
158 any and all petitions to transfer or petitions for removal to the Georgia Business Court,
159 even if such claims are within the jurisdiction of the Georgia Business Court.
160 (c) Notwithstanding any other law, when the superior court or state court where a claim
161 is pending receives a certified copy of an order issued by the Georgia Business Court
162 transferring or removing such civil action to the Georgia Business Court pursuant to
163 paragraph (2) or (3) of subsection (a) of this Code section, such superior court or state court
164 shall certify the transfer or removal from the superior court or state court to the Georgia
165 Business Court.

166 (d)(1) A pleading, petition, or other document as provided in subsection (a) of this Code
 167 section that is filed with the Georgia Business Court shall be deemed filed as of the time
 168 of its receipt by the filing service provider of the Georgia Business Court.

169 (2) Where such pleading, petition, or other document is filed within an applicable statute
 170 of limitations, such filing shall toll that applicable statute of limitations and such statute
 171 of limitations shall remain tolled until the date that the Georgia Business Court accepts
 172 or rejects acceptance of the pleading, petition, or other document as provided in
 173 subsection (a) of this Code section.

174 15-5A-5.

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

177 (1) The party or parties filing the action in, or seeking transfer to, the Georgia Business
 178 Court under paragraph (1) or (3) of subsection (a) of Code Section 15-5A-4; or

179 (2) An equal allocation across all parties to an agreement seeking removal of the case to
 180 the Georgia Business Court under paragraph (2) of subsection (a) of Code Section
 181 15-5A-4.

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

184 15-5A-6.

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

186 (b) The court shall commence operations on January 1, 2020, and may commence
 187 accepting cases on August 1, 2020.

188 (c) No individual shall be a judge of the Georgia Business Court unless, at the time of his
 189 or her appointment, he or she has:

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

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

192 (3) At least 15 years of legal experience as an attorney or judge in complex business
 193 litigation, which experience shall be presumed by law as being met by virtue of
 194 appointment and approval under Code Section 15-5A-7.

195 15-5A-7.

196 (a) The judge of the Georgia Business Court shall be appointed by the Governor, subject
 197 to approval by a majority vote of the Senate Judiciary Committee and a majority vote of
 198 the House Committee on Judiciary. The Senate Judiciary Committee and the House
 199 Committee on Judiciary shall be authorized to meet jointly or separately, while in or out

200 of a legislative session, as called in the discretion of each such chairperson, with notice
 201 provided by the chairpersons to such committee members, to consider the approval of such
 202 appointment.

203 (b)(1) The initial judge of the Georgia Business Court shall be appointed by July 1, 2019,
 204 and approved by December 31, 2019, or within three months of the Governor's
 205 appointment, whichever is later, and the judge shall serve an initial term beginning on
 206 August 1, 2020.

207 (2) Beginning on January 1, 2020, such initial judge may perform the administrative
 208 duties required for establishing the Georgia Business Court and, if so, shall receive
 209 compensation as a judge of the Georgia Business Court beginning on such date and for
 210 such purposes.

211 (3)(A) The judge of the Georgia Business Court shall serve for a term of five years and
 212 may be reappointed for any number of consecutive terms so long as he or she meets the
 213 qualifications of appointment at the time of each appointment and shall be reappointed
 214 and reapproved in the same manner as provided for in subsection (a) of this Code
 215 section.

216 (B) Vacancies in the office of judge of the Georgia Business Court shall be filled by
 217 appointment and approval in the same manner as provided for in subsection (a) of this
 218 Code section.

219 (4) The judge of the Georgia Business Court shall be deemed to serve the geographical
 220 area of this state.

221 15-5A-8.

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

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

229 15-5A-9.

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

232 (2) The judge of the Georgia Business Court shall receive expenses and allowances as
 233 provided for in Code Section 45-7-20. If the judge resides 50 miles or more from the seat
 234 of government in Atlanta, such judge shall also receive a mileage allowance for the use

235 of a personal motor vehicle when devoted to official business as provided for in Code
236 Section 50-19-7, for not more than one round trip per calendar week to and from the
237 judge's residence and the seat of government in Atlanta by the most practical route,
238 during each regular and extraordinary session of court. In the event the judge travels by
239 public carrier for any part of a round trip as provided above, such judge shall receive a
240 travel allowance of actual transportation costs for each such part in lieu of the mileage
241 allowance. Transportation costs incurred by the judge for air travel to and from the
242 judge's residence to the seat of government in Atlanta shall be reimbursed only to the
243 extent that such costs do not exceed the cost of travel by personal motor vehicle. All
244 allowances provided for in this paragraph shall be paid upon the submission of proper
245 vouchers.

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

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

255 15-5A-10.

256 (a) The judge of the Georgia Business Court shall have responsibility for creating and,
257 when needed, making revisions to the rules of the Georgia Business Court and submitting
258 such rules and revisions to the Supreme Court for approval prior to such rules or revisions
259 taking effect; provided, however, that such rules shall conform to Chapter 11 of Title 9, the
260 'Georgia Civil Practice Act,' where related and applicable.

261 (b) The judge of the Georgia Business Court is authorized to empanel a commission of up
262 to eight individuals, who may be judges, to assist the judge in the creation or revision of
263 such rules; provided, however, that such individuals shall not receive compensation for
264 being empaneled but may receive a daily expense allowance and travel cost reimbursement
265 in the amount specified in Code Section 45-7-21.

266 (c) Such rules may include a matrix or guidelines for the acceptance of cases by the
267 Georgia Business Court, including, but not limited to, such factors as the amount in
268 controversy, the existence of novel or complex legal issues, and anticipated discovery
269 issues needing the intervention of the Georgia Business Court.

270 (d) Such rules shall include guidelines and procedures for the filing of pleadings, petitions,
271 motions, and all other documents, electronically or otherwise, with the Georgia Business
272 Court.

273 15-5A-11.

274 (a) There shall be a clerk of the Georgia Business Court. Such clerk shall be appointed by
275 the Governor, subject to approval by a majority vote of the Senate Judiciary Committee and
276 a majority vote of the House Committee on Judiciary. The Senate Judiciary Committee
277 and the House Committee on Judiciary shall be authorized to meet jointly or separately,
278 while in or out of a legislative session, as called in the discretion of each such chairperson,
279 with notice provided by the chairpersons to such committee members, to consider the
280 approval of such appointment.

281 (b)(1) The initial clerk of the Georgia Business Court shall be appointed and approved
282 by July 31, 2020, and shall serve an initial term beginning on August 1, 2020.

283 (2)(A) The clerk of the Georgia Business Court shall serve for a term of five years and
284 may be reappointed for any number of consecutive terms and shall be reappointed and
285 reapproved in the same manner as provided for in subsection (a) of this Code section.

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

289 (c) The annual compensation of the clerk of the Georgia Business Court shall be equal to
290 the annual compensation provided for the clerk of the Court of Appeals."

291 15-5A-12.

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

294 (b) The judge of the Georgia Business Court, in coordination with the clerk of the Georgia
295 Business Court, shall be responsible for designating an electronic filing system.

296 15-5A-13.

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

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

305 15-5A-14.

306 The judge of the Georgia Business Court may employ and fix the salaries of stenographers,
307 clerical assistants, and such other employees as may be deemed necessary by the court; and
308 the salaries therefor shall be paid by the clerk from the amount appropriated by the General
309 Assembly for such purposes.

310 15-5A-15.

311 The Georgia Business Court shall purchase such books, pamphlets, or other publications,
312 whether in hard copy or digital format, and such other supplies and services as the judge
313 of the Georgia Business Court may deem necessary. The costs thereof shall be paid by the
314 clerk out of the amount appropriated by the General Assembly for such purposes.

315 15-5A-16.

316 The Georgia Business Court shall be a budget unit as defined in Part 1 of Article 4 of
317 Chapter 12 of Title 45, the 'Budget Act'; provided, however, that the Georgia Business
318 Court shall be assigned for administrative purposes only to the Court of Appeals."

319 **SECTION 1-2.**

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

323 "(19.1) Judge of the Georgia Business Court 174,500.00"

324 **PART II**

325 **SECTION 2-1.**

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

329 "5-5-1.

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

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

337 **SECTION 2-2.**

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

340 "5-6-33.

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

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

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

349 **SECTION 2-3.**

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

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

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

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

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

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

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

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

- 369 (7) All judgments or orders granting or refusing to grant mandamus or any other
 370 extraordinary remedy, except with respect to temporary restraining orders;
 371 (8) All judgments or orders refusing applications for dissolution of corporations created
 372 by the superior courts;
 373 (9) All judgments or orders sustaining motions to dismiss a caveat to the probate of a
 374 will;
 375 (10) All judgments or orders entered pursuant to subsection (c) of Code Section
 376 17-10-6.2;
 377 (11) All judgments or orders in child custody cases awarding, refusing to change, or
 378 modifying child custody or holding or declining to hold persons in contempt of such child
 379 custody judgment or orders;
 380 (12) All judgments or orders entered pursuant to Code Section 35-3-37; and
 381 (13) All judgments or orders entered pursuant to Code Section 9-11-11.1."

382 **SECTION 2-4.**

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

- 388 "(11) Appeals from decisions of the state courts reviewing decisions of the magistrate
 389 courts by de novo proceedings so long as the subject matter is not otherwise subject to
 390 a right of direct appeal; ~~and~~
 391 (12) Appeals from orders terminating parental rights; and
 392 (13) Appeals from orders and decisions of the Georgia Business Court."

393 **SECTION 2-5.**

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

- 398 "(c) In all civil cases tried in the superior and city courts, in the Georgia Business Court,
 399 and in any other court, the judgments of which are subject to review by the Supreme Court
 400 or the Court of Appeals, the trial judge thereof may require the parties to have the
 401 proceedings and evidence reported by a court reporter, the costs thereof to be borne equally
 402 between them; and, where an appeal is taken which draws in question the transcript of the
 403 evidence and proceedings, it shall be the duty of the appellant to have the transcript

404 prepared at the appellant's expense. Where it is determined that the parties, or either of
 405 them, are financially unable to pay the costs of reporting or transcribing, the judge may, in
 406 the judge's discretion, authorize trial of the case unreported; and, when it becomes
 407 necessary for a transcript of the evidence and proceedings to be prepared, it shall be the
 408 duty of the moving party to prepare the transcript from recollection or otherwise."

409 **PART III**

410 **SECTION 3-1.**

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

414 "9-4-2.

415 (a) In cases of actual controversy, the respective superior courts of this state and the
 416 Georgia Business Court shall have power, upon petition or other appropriate pleading, to
 417 declare rights and other legal relations of any interested party petitioning for such
 418 declaration, whether or not further relief is or could be prayed; and the declaration shall
 419 have the force and effect of a final judgment or decree and be reviewable as such.

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

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

429 **SECTION 3-2.**

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

432 "9-4-5.

433 A proceeding instituted under this chapter shall be filed and served as are other cases in the
 434 superior courts of this state or in the Georgia Business Court and may be tried at any time
 435 designated by the court not earlier than 20 days after the service thereof, unless the parties
 436 consent in writing to an earlier trial. If there is an issue of fact which requires a submission

437 to a jury, the jury may be drawn, summoned, and sworn either in regular term or specially
 438 for the pending case."

439 **SECTION 3-3.**

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

442 "9-4-10.

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

445 **SECTION 3-4.**

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

448 "23-1-1.

449 All equity jurisdiction shall be vested in the superior courts of the several counties and in
 450 the Georgia Business Court as provided in Code Section 15-5A-3."

451 **SECTION 3-5.**

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

454 "23-4-3.

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

458 **SECTION 3-6.**

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

461 "23-4-33.

462 When it becomes impossible to carry out any last will and testament in whole or in part,
 463 and in all matters of contract, the judges of the superior courts, and the judge of the Georgia
 464 Business Court in matters of contract only, shall have power to render any decree that may
 465 be necessary and legal, provided that all parties in interest shall consent thereto in writing
 466 and there shall be no issue as to the facts or, if there is such an issue, that there shall be a
 467 like consent in writing that the judge presiding may hear and determine such facts, subject
 468 to a review on appeal, as in other cases. In all cases where minors are interested, the

469 consent of the guardian at law or the guardian ad litem shall be obtained before the decree
470 is rendered."

471 **SECTION 3-7.**

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

474 "23-4-37.

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

480 **PART IV**

481 **SECTION 4-1.**

482 Article 2 of Chapter 11 of Title 9 of the Official Code of Georgia Annotated, relating to
483 commencement of action and service, is amended by revising subsection (f) of Code Section
484 9-11-5, relating to service and filing of pleadings subsequent to the original complaint and
485 other papers, as follows:

486 "(f) **Electronic service of pleadings.**

487 (1) A person to be served may consent to being served with pleadings electronically by:

488 (A) Filing a notice of consent to electronic service and including the person to be
489 served's e-mail address or addresses in such pleading; or

490 (B) Including the person to be served's e-mail address or addresses in or below the
491 signature block of the complaint or answer, as applicable to the person to be served.

492 (2) A person ~~to be served~~ who is not an attorney may rescind his or her election to be
493 served with pleadings electronically by filing and serving a notice of such rescission.

494 (3) If a person to be served agrees to electronic service of pleadings, such person to be
495 served bears the responsibility of providing notice of any change in his or her e-mail
496 address or addresses.

497 (4) When an attorney files a pleading in a case via an electronic filing service provider,
498 such attorney shall be deemed to have consented to be served electronically with future
499 pleadings for such case ~~unless he or she files a rescission of consent as set forth in~~
500 paragraph (2) of this subsection at the primary email address on record with the electronic
501 filing service provider. An attorney may not rescind his or her election to be served with

502 pleadings electronically in cases that were initiated using an electronic filing service
503 provider.

504 (5) If electronic service of a pleading is made upon a person to be served, and such
505 person certifies to the court under oath that he or she did not receive such pleading, it
506 shall be presumed that such pleading was not received unless the serving party disputes
507 the assertion of nonservice, in which case the court shall decide the issue of service of
508 such pleading."

509 **PART V**

510 **SECTION 5-1.**

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

513 **SECTION 5-2.**

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