

House Bill 1068

By: Representatives Leverett of the 33<sup>rd</sup>, Kelley of the 16<sup>th</sup>, and Holcomb of the 81<sup>st</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 2 of Chapter 21 of Title 50 of the Official Code of Georgia Annotated,  
2 relating to state tort claims, so as to revise provisions regarding service of process; to provide  
3 for related matters; to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 SECTION 1.

6 Article 2 of Chapter 21 of Title 50 of the Official Code of Georgia Annotated, relating to  
7 state tort claims, is amended by revising Code Section 50-21-35, relating to service of  
8 process and mailing of complaint, as follows:

9 "50-21-35.

10 (a) A chief executive officer of a state government entity shall provide a designee for  
11 service of process for civil actions brought against the state under this article by publishing  
12 conspicuously on the homepage of the state government entity's website:

13 (1) The name and title of such designee; and

14 (2) The office address of such designee for service of process.

15 (b) The director of the Risk Management Division of the Department of Administrative  
16 Services shall provide a designee for service of process for civil actions brought against the

17 state under this article by publishing conspicuously on the homepage of the state  
18 government entity's website:

19 (1) The name and title of such designee; and

20 (2) The office address of such designee for service of process.

21 (c) A designee for service of process shall be present at his or her published office address  
22 no less than three days each week, excluding state observed holidays and other office  
23 closures, between the hours of 9:00 A.M. and 5:00 P.M. eastern standard time or eastern  
24 daylight time, whichever is applicable.

25 (d) Except as provided in subsection (f) of this Code section, In in all civil actions brought  
26 against the state under this article, to perfect service of process the plaintiff must both:

27 (1) ~~cause~~ Cause process to be served upon the chief executive officer of the state  
28 government entity involved, or his or her designee, at his or her usual office address; and

29 (2) ~~cause~~ Cause process to be served upon the director of the Risk Management Division  
30 of the Department of Administrative Services, or his or her designee, at his or her usual  
31 office address.

32 (e) The time for the state to file an answer shall not begin to run until process has been  
33 served upon all required persons.

34 (f) A copy of the complaint, showing the date of filing, shall also be mailed to the Attorney  
35 General at his or her usual office address, by certified mail or statutory overnight delivery,  
36 return receipt requested and there shall be attached to the complaint a certificate that this  
37 requirement has been met. The Attorney General, or his or her designee, as the legal  
38 representative for the state may acknowledge service for a state government entity and the  
39 director of the Risk Management Division of the Department of Administrative Services."

40 **SECTION 2.**

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