

House Bill 1048 (COMMITTEE SUBSTITUTE)

By: Representative Willard of the 49th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 9-11-4 of the Official Code of Georgia Annotated, relating to
2 process, so as to change provisions relating to who may serve process; to amend Code
3 Section 15-6-77 of the Official Code of Georgia Annotated, relating to fees collected by
4 superior court clerks, so as to provide for filing fees for applications for certified process
5 servers; to provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 SECTION 1.

8 Code Section 9-11-4 of the Official Code of Georgia Annotated, relating to process, is
9 amended by revising subsection (c) as follows:

10 "(c) **Summons — By whom served.** Process shall be served by:

11 (1) The sheriff of the county where the action is brought or where the defendant is found
12 or by such sheriff's deputy;

13 (2) The marshal or sheriff of the court or by such official's deputy;

14 (3) Any citizen of the United States specially appointed by the court for that purpose;

15 (4) A person who is not a party ~~and is~~ not younger than 18 years of age, and has been
16 appointed by the court to serve process or as a permanent process server ~~by the court in~~
17 ~~which the action is brought~~; or

18 (5) A certified process server ~~under as provided in~~ Code Section 9-11-4.1, ~~provided that~~
19 ~~the sheriff of the county for which process is to be served allows such servers to serve~~
20 ~~process in such county.~~

21 Where the service of process is made outside of the United States, after an order of
22 publication, it may be served either by any citizen of the United States or by any resident
23 of the country, territory, colony, or province who is specially appointed by the court for
24 that purpose. When service is to be made within this state, the person making such service
25 shall make the service within five days from the time of receiving the summons and

26 complaint; but failure to make service within the five-day period will not invalidate a later
27 service."

28 **SECTION 2.**

29 Code Section 15-6-77 of the Official Code of Georgia Annotated, relating to fees collected
30 by superior court clerks, is amended by adding a new subsection to read as follows:

31 "(p) Notwithstanding any provision of this Code section to the contrary, the filing fee for
32 an application to be appointed as a certified process server pursuant to paragraph (2) of
33 subsection (h) of Code Section 9-11-4.1 shall be \$58.00."

34 **SECTION 3.**

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