

House Bill 530

By: Representatives Leverett of the 123rd, Reeves of the 99th, Scoggins of the 14th, Kelley of the 16th, and Oliver of the 84th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 4 of Chapter 9 of Title 15 of the Official Code of Georgia Annotated,
2 relating to time, place, and procedure, so as to provide for authorization for the electronic
3 filing of pleadings in probate court; to provide for the promulgation of rules; to provide for
4 fees; to provide for access to pleadings for certain staff and litigants; to provide for
5 limitations; 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 Article 4 of Chapter 9 of Title 15 of the Official Code of Georgia Annotated, relating to time,
9 place, and procedure, is amended by adding a new Code section to read as follows:

10 "15-9-86.2.

11 (a)(1) On or before January 1, 2028, in conformance with standards and rules
12 promulgated by the Council of Probate Court Judges of Georgia, and except as provided
13 in paragraph (3) of this subsection, all probate courts shall provide for the electronic
14 filing of all pleadings and any other document related thereto in any civil matter in a
15 probate court and provide for the acceptance of payments and remittances by electronic
16 means.

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17 (2) Except as provided in paragraph (3) of this subsection, a court's electronic filing
18 service provider may charge a fee which shall be a recoverable court cost and only
19 include a:

20 (A) One-time fee for electronically filing pleadings or documents in a civil action and
21 the electronic service of pleadings, regardless of how many parties shall be served,
22 which shall not exceed \$30.00 per filer, per case. Such fee shall be paid at the time of
23 the first filing on behalf of a party, provided that, when filings are submitted via a
24 public access terminal, such fee shall be paid upon the first filing not using such
25 terminal; and

26 (B) Convenience fee for credit card and bank drafting services, which shall not exceed
27 3.5 percent, plus a 30¢ payment services fee per transaction.

28 (3) No electronic filing service provider shall charge a fee pursuant to this subsection for
29 the filing of:

30 (A) Pleadings or documents filed by any local, state, or federal office, officer, or
31 agency;

32 (B) Pleadings or documents filed on behalf of municipal corporations or county
33 governments;

34 (C) Leaves of absence or conflict notices filed pursuant to the Uniform Rules for the
35 Probate Courts; or

36 (D) Pleadings or documents filed by attorneys appointed by the probate court to
37 represent the interest of any party or filed by guardians ad litem.

38 (4) With respect to the fee charged pursuant to subparagraph (A) of paragraph (2) of this
39 subsection, the probate court shall retain \$2.00 of the transaction fee and remit it to the
40 governing authority of the county. No other portion of such transaction fee shall be
41 remitted to any other office or entity of the state or governing authority of a county or
42 municipality.

43 (5) An attorney, or party if he or she is self-represented, shall be allowed unlimited
44 access to view and download any pleading or document electronically filed in connection
45 to the civil action in which he or she is counsel of record or a self-represented litigant,
46 and an electronic service provider shall not be authorized to charge or collect a fee for
47 such viewing or downloading.

48 (6) This subsection shall not apply to filings in connection with:

49 (A) A pauper's affidavit;

50 (B) Pleadings or documents filed under seal or presented to a court in camera or ex
51 parte;

52 (C) Pleadings or documents to which access is otherwise restricted by law or court
53 order:

54 (i) Made electronically at the courthouse via a public access terminal in the clerk's
55 office, but when payment is submitted by credit card or bank draft, the clerk may
56 charge the convenience fee as set forth in subparagraph (B) of paragraph (2) of this
57 subsection; or

58 (ii) Made in a court located in an area that has been declared to be in a state of
59 emergency pursuant to Article 3 of Chapter 3 of Title 38. The Judicial Council of
60 Georgia shall provide rules for filings in such circumstances; or

61 (D) Filings made prior to the commencement of electronic filing provided for in this
62 Code section, wherein the filer shall continue to pay fees applicable to the case on the
63 date of the first filing; provided, however, that a party may elect to make future filings
64 through the court's electronic filing service provider and pay the applicable fees.

65 (7) Each probate court shall develop and enact policies and procedures necessary to carry
66 out the standards and rules created by the Council of Probate Court Judges of Georgia.

67 (b) Nothing in this Code section shall be construed to prevent a court's acceptance of
68 payments and remittances by electronic means under the court's own authority.

69 (c) A judge to whom the case is assigned and his or her staff shall, at all times, have access
70 to all pleadings and documents electronically filed, and such access shall be provided upon
71 the electronic acceptance of such pleadings and documents by the court.

72 (d) Any pleading or document filed electronically shall be deemed filed as of the time of
73 its receipt by the electronic filing service provider. A pleading or document filed
74 electronically shall not be subject to disclosure until it has been accepted by the court.
75 Upon such acceptance as provided for in this subsection, such pleading or document shall
76 be publicly accessible for viewing at no cost to the viewer on a public access terminal
77 available at the courthouse during regular business hours unless otherwise prohibited or
78 limited by law."

79 **SECTION 2.**

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