

House Bill 999

By: Representatives Leverett of the 123<sup>rd</sup>, Oliver of the 84<sup>th</sup>, Evans of the 57<sup>th</sup>, Gunter of the 8<sup>th</sup>, New of the 40<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 5 of Chapter 10 of Title 15 the Official Code of Georgia Annotated,  
2 relating to fees and costs of magistrate courts, so as to revise provisions related to magistrate  
3 courts collecting sums and fees authorized by law; to amend an Act to amend Chapter 10 of  
4 Title 15 of the Official Code of Georgia Annotated, relating to magistrate courts, so as to  
5 provide for nonpartisan election of magistrates, approved May 14, 2025 (Ga. L. 2025, p.  
6 780), so as to correct a scrivener's error in the automatic repealer in said Act related to a  
7 constitutional amendment for the nonpartisan election of judges of the probate court; to  
8 provide legislative intent; to provide for related matters; to repeal conflicting laws; and for  
9 other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Article 5 of Chapter 10 of Title 15 the Official Code of Georgia Annotated, relating to fees  
13 and costs of magistrate courts, is amended by revising Code Section 15-10-80, relating to  
14 filling fees, service of process costs, writ of freri facias fees, and costs taxed to losing party,  
15 as follows:

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16 "15-10-80.

17 (a) Upon filing any civil action, the plaintiff shall pay a filing deposit as established by  
18 local court rule not to exceed \$22.00 which shall cover all costs of the action except service  
19 of process.

20 (b) Upon filing any civil action, the plaintiff shall pay the actual cost of serving each party  
21 required to be served but not more than the amount of the fee charged by sheriffs for  
22 serving process for each party to be served.

23 (c) For issuing a writ of fieri facias, the fee charged shall be \$4.00 which shall be paid by  
24 the person requesting the same. Such fee shall be charged and collected  
25 contemporaneously with or prior to the issuance of the writ of fieri facias but not before the  
26 entry of judgment in the action.

27 (d) As between the parties, costs shall be taxed against the losing party.

28 (e) All sums that may be collected pursuant to Code Section 15-23-7 and all other sums  
29 required by law shall be in addition to the fees provided for in this Code section, and this  
30 article shall not affect the collection of such other sums or fees as authorized by law."

31

## SECTION 2.

32 (a) It is the intention of the General Assembly to correct a scrivener's error in the automatic  
33 repealer in an Act to amend Chapter 10 of Title 15 of the Official Code of Georgia  
34 Annotated, relating to magistrate courts, so as to provide for nonpartisan election of  
35 magistrates, approved May 14, 2025 (Ga. L. 2025, p. 780), so as to revise the section  
36 providing that the entire Act shall be automatically repealed if an amendment to the  
37 Constitution of Georgia providing that all judges of the probate court shall be elected in  
38 nonpartisan elections is not ratified prior to January 1, 2027, shall only apply to the section  
39 of the bill amending Code Section 21-2-139, relating to nonpartisan elections authorized and  
40 conduct, as effective on January 1, 2027, by making conforming changes required by the  
41 approval of such constitutional amendment.

42 (b) An Act to amend Chapter 10 of Title 15 of the Official Code of Georgia Annotated,  
43 relating to magistrate courts, so as to provide for nonpartisan election of magistrates,  
44 approved May 14, 2025 (Ga. L. 2025, p. 780), is amended by revising subsection (b) of  
45 Section 5 as follows:

46 "(b) Section 4 of this Act shall become effective on January 1, 2027, following the  
47 ratification of an amendment to the Constitution of Georgia providing that all judges of the  
48 probate court shall be elected in nonpartisan elections; provided, however, that to the extent  
49 this Act conflicts with law in effect at the time of ratification, this Act and such amendment  
50 shall control, and to the extent such law is not in conflict, the law in effect at the time of  
51 ratification shall control and shall remain in full force and effect. If such amendment is not  
52 so ratified, then Section 4 of this Act shall stand automatically repealed."

53

**SECTION 3.**

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