

Senate Bill 532

By: Senators Halpern of the 39th, Parent of the 44th, Anderson of the 43rd, Davenport of the 17th, Kemp of the 38th and others

A BILL TO BE ENTITLED

AN ACT

1 To amend Articles 2 and 7 of Chapter 11 of Title 9 of the Official Code of Georgia  
 2 Annotated, relating to commencement of action and service and default judgment,  
 3 respectively, so as to provide for defendant notices of certain proceedings and pleadings  
 4 when such defendant failed to file pleadings; to clarify defendant's right to appear and  
 5 introduce evidence of damages in certain default judgment actions; to provide for related  
 6 matters; to provide for an effective date and applicability; to repeal conflicting laws; and for  
 7 other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 SECTION 1.

10 Article 2 of Chapter 11 of Title 9 of the Official Code of Georgia Annotated, relating to  
 11 commencement of action and service, is amended by revising subsection (a) of Code Section  
 12 9-11-5, relating to service and filing of pleadings subsequent to the original complaint and  
 13 other papers, as follows:

14 "(a) **Service — When required.** Except as otherwise provided in this chapter, every order  
 15 required by its terms to be served, every pleading subsequent to the original complaint  
 16 unless the court otherwise orders because of numerous defendants, every written motion

17 other than one which may be heard ex parte, and every written notice, appearance, demand,  
18 offer of judgment, and similar paper shall be served upon each of the parties. However,  
19 the failure of a party to file pleadings in an action shall be deemed to be a waiver by him  
20 or her of all notices, ~~including~~ except notices of the time and place of trial, ~~and~~ the entry  
21 of judgment, ~~and all service in the action, except~~ and service of pleadings asserting new or  
22 additional claims for relief, which shall be served as provided by subsection (b) of this  
23 Code section."

24 **SECTION 2.**

25 Article 7 of said chapter, relating to judgment, is amended by revising subsection (a) of Code  
26 Section 9-11-55, relating to default judgment, as follows:

27 "(a) **When case in default; opening as matter of right; judgment.** If in any case an  
28 answer has not been filed within the time required by this chapter, the case shall  
29 automatically become in default unless the time for filing the answer has been extended as  
30 provided by law. The default may be opened as a matter of right by the filing of such  
31 defenses within 15 days of the day of default, upon the payment of costs. If the case is still  
32 in default after the expiration of the period of 15 days, the plaintiff at any time thereafter  
33 shall be entitled to verdict and judgment by default, in open court or in chambers, as if  
34 every item and paragraph of the complaint or other original pleading were supported by  
35 proper evidence, without the intervention of a jury, unless the action is one ex delicto or  
36 involves unliquidated damages, in which event the plaintiff shall be required to introduce  
37 evidence and establish the amount of damages before the court without a jury, with the  
38 right of the defendant to appear and introduce evidence as to damages and the right of  
39 either to move for a new trial in respect of such damages; provided, however, that, in the  
40 event a defendant, though in default, has placed damages in issue by filing a pleading  
41 raising such issue, either party shall be entitled, upon demand, to a jury trial of the issue as

42 to damages. An action based upon open account shall not be considered one for  
43 unliquidated damages within the meaning of this Code section."

44 **SECTION 3.**

45 This Act shall become effective on July 1, 2026, and shall apply to all actions filed on or  
46 after such date.

47 **SECTION 4.**

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