

House Bill 530 (AS PASSED HOUSE AND SENATE)

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 electronic filing of pleadings and
3 other documents 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 and exceptions; to provide for applicability; to provide for related matters; to
6 repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 4 of Chapter 9 of Title 15 of the Official Code of Georgia Annotated, relating to time,
10 place, and procedure, is amended by adding a new Code section to read as follows:

11 "15-9-86.2.

12 (a)(1)(A) On or before January 1, 2029, pursuant to standards and rules promulgated
13 by the Council of Probate Court Judges of Georgia, probate courts shall provide for the
14 electronic filing of all pleadings and any other document related thereto in any civil
15 matter in a probate court and provide for the acceptance of payments and remittances
16 by electronic means.

17 (B)(i) On and after January 1, 2029, except as provided in paragraph (6) of this
18 subsection, all pleadings and any other document related thereto in any civil matter
19 in a probate court shall be filed by electronic means through the court's electronic
20 filing service provider.

21 (ii) Except as provided in paragraph (6) of this subsection, once a court has
22 commenced mandatory electronic filings in civil cases, a clerk shall not accept, file,
23 or docket any pleading or any other form of paper document related thereto from an
24 attorney, or party if he or she is pro se, in a civil case; provided, however, that to
25 protect and promote access to the courts, courts shall reasonably accommodate parties
26 by accepting and then converting and maintaining in electronic form pleadings or
27 other form of paper documents related thereto presented physically at the courthouse
28 by an attorney or a pro se party or otherwise received by the court from a pro se party.
29 The clerk shall not charge the fee as set forth in subparagraph (A) of paragraph (2) of
30 this subsection for such filings but when payment is submitted by credit card or bank
31 draft, the clerk may charge the convenience fee as set forth in subparagraph (B) of
32 paragraph (2) of this subsection.

33 (iii) Once a court has commenced mandatory electronic filings in civil cases, the
34 court shall be required to provide a public terminal either within the administrative
35 office space of the probate court or the county law library for any party to
36 electronically file pleadings or other documents related thereto.

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

40 (A) One-time fee for electronically filing pleadings or documents in a civil action and
41 the electronic service of pleadings, regardless of how many parties shall be served,
42 which shall not exceed \$30.00 per filer, per case. Such fee shall be paid at the time of
43 the first filing on behalf of a party, provided that, when filings are submitted via a

44 public access terminal, such fee shall be paid upon the first filing not using such
45 terminal; and

46 (B) Convenience fee for credit card and bank drafting services, which shall not exceed
47 3.5 percent, plus a 30¢ payment services fee per transaction.

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

50 (A) Pleadings or documents related thereto filed:

51 (i) By any local, state, or federal office, officer, or agency;

52 (ii) By attorneys appointed by the probate court to represent the interest of any party;

53 (iii) By guardians ad litem; or

54 (iv) On behalf of a municipal corporation or county government; or

55 (B) Leaves of absence or conflict notices filed pursuant to the Uniform Rules for the
56 Probate Court.

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

62 (5) An attorney, or party if he or she is pro se, shall be allowed unlimited access to view
63 and download any pleading or document electronically filed in connection to the civil
64 action in which he or she is counsel of record or a pro se party, and an electronic service
65 provider shall not be authorized to charge or collect a fee for such viewing or
66 downloading.

67 (6) The provisions of paragraphs (1), (4), and (5) of this subsection shall not apply to
68 pleadings or other documents:

69 (A)(i) Filed in connection with a pauper's affidavit;

70 (ii) Filed under seal or presented to a court in camera or ex parte; or

71 (iii) To which access is restricted by law or court order;
72 (B) Presented in a court located in an area that has been declared to be in a state of
73 emergency pursuant to Article 3 of Chapter 3 of Title 38. The Judicial Council of
74 Georgia shall provide rules for filings in such circumstances; or
75 (C) Filed prior to the commencement of electronic filing provided for in this Code
76 section, wherein the filer shall continue to pay fees applicable to the case on the date
77 of the first filing; provided, however, that a party may elect to make future filings
78 through the court's electronic filing service provider and pay the applicable fees.
79 (b) Each probate court shall develop and enact policies and procedures necessary to carry
80 out the standards and rules created by the Council of Probate Court Judges of Georgia.
81 (c) Nothing in this Code section shall be construed to prevent a court's acceptance of
82 payments and remittances by electronic means under the court's own authority.
83 (d) A judge to whom the case is assigned and his or her staff shall, at all times, have access
84 to all pleadings and documents electronically filed, and such access shall be provided upon
85 the electronic acceptance of such pleadings and documents by the court.
86 (e) Any pleading or document filed electronically shall be deemed filed as of the time of
87 its receipt by the electronic filing service provider. A pleading or document filed
88 electronically shall not be subject to disclosure until it has been accepted by the court.
89 Upon such acceptance as provided for in this subsection, such pleading or document shall
90 be publicly accessible for viewing at no cost to the viewer on a public access terminal
91 available at the courthouse during regular business hours unless otherwise prohibited or
92 limited by law."

93 **SECTION 2.**

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