

The Senate Committee on Judiciary offered the following substitute to HB 1068:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 21 of Title 50 of the Official Code of Georgia Annotated,
2 relating to state tort claims, so as to revise provisions regarding service of process; to provide
3 for related matters; to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 style="text-align:center">**SECTION 1.**

6 Article 2 of Chapter 21 of Title 50 of the Official Code of Georgia Annotated, relating to
7 state tort claims, is amended by revising Code Section 50-21-35, relating to service of
8 process and mailing of complaint, as follows:

9 "50-21-35.

10 (a) A chief executive officer of a state government entity shall provide a designee or
11 designees for service of process for civil actions brought against the state under this article
12 by publishing conspicuously on the homepage of the state government entity's website:

13 (1) The name and title of such designee or designees; and

14 (2) The office address of such designee or designees for service of process.

15 (b) The director of the Risk Management Division of the Department of Administrative
16 Services shall provide a designee for service of process for civil actions brought against the

17 state under this article by publishing conspicuously on the homepage of the state
18 government entity's website:

19 (1) The name and title of such designee; and

20 (2) The office address of such designee for service of process.

21 (c) A designee for service of process shall be present at the published office address no
22 less than three days each week, excluding state observed holidays and other office closures,
23 between the hours of 9:00 A.M. and 5:00 P.M. eastern standard time or eastern daylight
24 time, whichever is applicable.

25 (d) Except as provided in subsection (f) of this Code section, In in all civil actions brought
26 against the state under this article, to perfect service of process the plaintiff must both:

27 (1) ~~cause~~ Cause process to be served upon the chief executive officer of the state
28 government entity involved, ~~or his or her designee,~~ at his or her usual office address; and

29 (2) ~~cause~~ Cause process to be served upon the director of the Risk Management Division
30 of the Department of Administrative Services, ~~or his or her designee,~~ at his or her usual
31 office address.

32 (e) The time for the state to file an answer shall not begin to run until process has been
33 served upon all required persons.

34 (f) A copy of the complaint, showing the date of filing, shall also be mailed to the Attorney
35 General at his or her usual office address, by certified mail or statutory overnight delivery,
36 return receipt requested and there shall be attached to the complaint a certificate that this
37 requirement has been met."

38 **SECTION 2.**

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