

The Senate Committee on Judiciary offered the following substitute to HB 531:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 4 of Chapter 10 of Title 9 of the Official Code of Georgia Annotated,  
2 relating to personal jurisdiction over nonresidents, so as to change provisions relating to the  
3 grounds for exercising personal jurisdiction over nonresidents; to change provisions relating  
4 to effect of appearance; to change provisions relating to venue; to amend Code Sections  
5 19-13-2 and 34-1-7 of the Official Code of Georgia Annotated, relating to jurisdiction of  
6 superior court and application for temporary restraining order and injunction, respectively,  
7 so as to correct cross-references; to provide for related matters; to provide for an effective  
8 date and applicability; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 SECTION 1.

11 Article 4 of Chapter 10 of Title 9 of the Official Code of Georgia Annotated, relating to  
12 personal jurisdiction over nonresidents, is amended by revising Code Section 9-10-91,  
13 relating to grounds for exercise of personal jurisdiction over nonresidents, as follows:

14 "9-10-91.

15 A court of this state may exercise personal jurisdiction over any nonresident or his or her  
16 executor or administrator;:

17 (1) As as to a cause of action arising from any of the acts, omissions, ownership, use, or  
18 possession enumerated in this Code section, in the same manner as if he or she were a  
19 resident of this state, if in person or through an agent, he or she:

20 ~~(1)(A)~~ Transacts any business within this state;

21 ~~(2)(B)~~ Commits a tortious act or omission within this state, except as to a cause of  
22 action for defamation of character arising from the act;

23 ~~(3)(C)~~ Commits a tortious injury in this state caused by an act or omission outside this  
24 state if the tort-feasor regularly does or solicits business, or engages in any other  
25 persistent course of conduct, or derives substantial revenue from goods used or  
26 consumed or services rendered in this state;

27 ~~(4)~~(D) Owns, uses, or possesses any real property situated within this state;  
 28 ~~(5)~~(E) With respect to proceedings for divorce, separate maintenance, annulment, or  
 29 other domestic relations action or with respect to an independent action for support of  
 30 dependents, maintains a matrimonial domicile in this state at the time of the  
 31 commencement of this action or if the defendant resided in this state preceding the  
 32 commencement of the action, whether cohabiting during that time or not. This  
 33 paragraph shall not change the residency requirement for filing an action for divorce;  
 34 or  
 35 ~~(6)~~(F) Has been subject to the exercise of jurisdiction of a court of this state which has  
 36 resulted in an order of alimony, child custody, child support, equitable apportionment  
 37 of debt, or equitable division of property if the action involves modification of such  
 38 order and the moving party resides in this state or if the action involves enforcement of  
 39 such order notwithstanding the domicile of the moving party; or  
 40 (2) On any basis that is not in conflict with the Constitution of the United States or the  
 41 Constitution of Georgia."

42 **SECTION 2.**

43 Said article is further amended by revising Code Section 9-10-92, relating to effect of  
 44 appearance, as follows:

45 "9-10-92.

46 Where personal jurisdiction is based solely upon this article, an appearance does not confer  
 47 such jurisdiction with respect to causes of action not arising from the conduct ~~enumerated~~  
 48 ~~in~~ or omission from which personal jurisdiction has been conferred under Code Section  
 49 9-10-91."

50 **SECTION 3.**

51 Said article is further amended by revising Code Section 9-10-93, relating to venue, as  
 52 follows:

53 "9-10-93.

54 Venue in cases under this article shall lie in any county wherein a substantial part of the  
 55 ~~business was transacted, the tortious act, omission, or injury occurred, or the real property~~  
 56 ~~is located. Where~~ conduct or omission giving rise to personal jurisdiction under Code  
 57 Section 9-10-91 occurred. When an action is brought against a resident of this state, any  
 58 nonresident of this state who is involved in the same transaction or occurrence and who is  
 59 suable under the provisions of this article may be joined as a defendant in the county where  
 60 a resident defendant is suable. Under such circumstances, jurisdiction and venue of the  
 61 court of and over such nonresident defendant shall not be affected or lost if at trial a verdict

62 or judgment is returned in favor of such resident defendant. If such resident defendant is  
63 dismissed from the action prior to commencement of the trial, the action against the  
64 nonresident defendant shall not abate but shall be transferred to a court in a county where  
65 venue is proper."

66 **SECTION 4.**

67 Code Section 19-13-2 of the Official Code of Georgia Annotated, relating to jurisdiction of  
68 superior court, is amended by revising subsection (b) as follows:

69 "(b) For proceedings under this article involving a nonresident respondent, the superior  
70 court where the petitioner resides or the superior court where an act involving family  
71 violence allegedly occurred shall have jurisdiction, where the act involving family violence  
72 meets the elements for personal jurisdiction provided for under ~~paragraph (2) or (3)~~ of  
73 Code Section 9-10-91."

74 **SECTION 5.**

75 Code Section 34-1-7 of the Official Code of Georgia Annotated, relating to application for  
76 temporary restraining order and injunction, is amended by revising paragraph (2) of  
77 subsection (c) as follows:

78 "(2) For proceedings under this Code section involving a nonresident respondent, the  
79 superior court where the petitioner's workplace is located shall have jurisdiction, where  
80 the act involving unlawful violence or a credible threat of unlawful violence meets the  
81 elements for personal jurisdiction provided for under ~~paragraph (2) or (3)~~ of Code Section  
82 9-10-91."

83 **SECTION 6.**

84 This Act shall become effective on July 1, 2016, and shall apply to all causes of action  
85 arising on and after such date.

86 **SECTION 7.**

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