

Senate Bill 78

By: Senator Unterman of the 45th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 9-15-14 of the Official Code of Georgia Annotated, relating to
2 litigation costs and attorney's fees assessed for frivolous actions and defenses, so as to change
3 provisions relating to appeals from magistrate courts; to provide for related matters; to repeal
4 conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

7 Code Section 9-15-14 of the Official Code of Georgia Annotated, relating to litigation costs
8 and attorney's fees assessed for frivolous actions and defenses, is amended by revising
9 subsection (h) as follows:

10 "(h)(1) This Code section shall not apply to:

11 (A) ~~Proceedings~~ proceedings in magistrate courts; ~~or~~

12 (B) An appellant seeking litigation expenses incurred in the magistrate court when a
13 case is appealed from the magistrate court.

14 (2) ~~When~~ However, when a case is appealed from the magistrate court, the appellee may
15 seek litigation expenses incurred ~~below~~ in the magistrate court if the appeal lacks
16 substantial justification."

17 style="text-align:center">**SECTION 2.**

18 All laws and parts of laws in conflict with this Act are repealed.