

House Bill 15

By: Representatives Willard of the 51st, Kelley of the 16th, Fleming of the 121st, Beskin of the 54th, and Oliver of the 82nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 15 of the Official Code of Georgia Annotated, relating to courts, so as to
2 require certain civil pleadings to be filed electronically in superior and state courts; to change
3 provisions relating to electronic filings and payments; to provide for fees; to provide for rules
4 and regulations; to provide for related matters; to repeal conflicting laws; and for other
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising
9 Code Section 15-6-11, relating to electronic filings and payments, as follows:

10 "15-6-11.

11 (a) By court rule or standing order, any superior court may provide for the filing of
12 pleadings in criminal cases and any other documents document related thereto and for the
13 acceptance of payments and remittances by electronic means. Nothing in this ~~Code section~~
14 subsection shall be construed to prevent a clerk's acceptance of payments and remittances
15 by electronic means under the clerk's own authority.

16 (b)(1) On and after January 1, 2018, except as provided in paragraph (3) of this
17 subsection, all pleadings and any other document related thereto filed by an attorney to
18 initiate a civil action or in a civil case in a superior court shall be filed by electronic
19 means through the court's electronic filing service provider. Due to a superior court's
20 financial or technological hardship, The Council of Superior Court Clerks of Georgia
21 may grant such court an extension of time for up to six months to commence receiving
22 such filings. If such extension is granted, The Council of Superior Court Clerks of
23 Georgia shall post on its website notice of such extension and the date upon which
24 electronic filings shall commence. Except as provided in paragraph (3) of this
25 subsection, once a court has commenced mandatory electronic filings in civil cases, a

26 clerk shall not accept, file, or docket any pleading or any other document related thereto
 27 from an attorney in a civil case.

28 (2) A court's electronic filing service provider may charge a reasonable:

29 (A) Transaction fee for providing the services for and related to electronic filing, which
 30 shall not exceed \$8.00 per transaction; and

31 (B) Convenience fee for credit card and bank drafting services, which shall not exceed
 32 3.5 percent plus \$0.30 per transaction.

33 (3) This subsection shall not apply to filings in connection with an emergency, adoption
 34 proceedings, a pauper's affidavit, documents filed under seal or presented to a court in
 35 camera or ex parte, or documents to which access is otherwise restricted by law or court
 36 order.

37 (4) The Council of Superior Court Clerks of Georgia shall make and publish in print or
 38 electronically such rules and regulations as it deems necessary to carry out this
 39 subsection.

40 (c) By court rule or standing order, any superior court may provide for the filing of
 41 pleadings in civil actions by individuals who are not attorneys and any other document
 42 related thereto and for the acceptance of payments and remittances by electronic means.
 43 Nothing in this subsection shall be construed to prevent a clerk's acceptance of payments
 44 and remittances by electronic means under the clerk's own authority.

45 (d) Any pleading or document filed electronically shall be deemed filed as of the time of
 46 its receipt by the electronic filing service provider."

47 **SECTION 2.**

48 Said title is further amended by revising Code Section 15-7-5, relating to electronic filings
 49 and payments, as follows:

50 "15-7-5.

51 (a) By court rule or standing order, any state court may provide for the filing of pleadings
 52 in criminal cases and any other documents document related thereto and for the acceptance
 53 of payments and remittances by electronic means. Nothing in this ~~Code section~~ subsection
 54 shall be construed to prevent a clerk's acceptance of payments and remittances by
 55 electronic means under the clerk's own authority.

56 (b)(1) On and after January 1, 2018, except as provided in paragraph (3) of this
 57 subsection, all pleadings and any other document related thereto filed by an attorney to
 58 initiate a civil action or in a civil case in a state court shall be filed by electronic means
 59 through the court's electronic filing service provider. Due to a state court's financial or
 60 technological hardship, The Council of Superior Court Clerks of Georgia may grant such
 61 court an extension of time for up to six months to commence receiving such filings. If

62 such extension is granted, The Council of Superior Court Clerks of Georgia shall post on
63 its website notice of such extension and the date upon which electronic filings shall
64 commence. Except as provided in paragraph (3) of this subsection, once a court has
65 commenced mandatory electronic filings in civil cases, a clerk shall not accept, file, or
66 docket any pleading or any other document related thereto from an attorney in a civil
67 case.

68 (2) A court's electronic filing service provider may charge a reasonable:

69 (A) Transaction fee for providing the services for and related to electronic filing, which
70 shall not exceed \$8.00 per transaction; and

71 (B) Convenience fee for credit card and bank drafting services, which shall not exceed
72 3.5 percent plus \$0.30 per transaction.

73 (3) This subsection shall not apply to filings in connection with an emergency, a pauper's
74 affidavit, documents filed under seal or presented to a court in camera or ex parte, or
75 documents to which access is otherwise restricted by law or court order.

76 (4) The Council of Superior Court Clerks of Georgia shall make and publish in print or
77 electronically such rules and regulations as it deems necessary to carry out this
78 subsection.

79 (c) By court rule or standing order, any state court may provide for the filing of pleadings
80 in civil actions by individuals who are not attorneys and any other document related thereto
81 and for the acceptance of payments and remittances by electronic means. Nothing in this
82 subsection shall be construed to prevent a clerk's acceptance of payments and remittances
83 by electronic means under the clerk's own authority.

84 (d) Any pleading or document filed electronically shall be deemed filed as of the time of
85 its receipt by the electronic filing service provider."

86 **SECTION 3.**

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