

# PUBLICATION

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## Georgia Legislature Clarifies Service of Process Statute for Georgia Domestic and Foreign Corporations Doing Business in Georgia

July 18, 2013

On July 1, 2013, clarifying changes to Georgia's Civil Practice Act went into effect regarding how a plaintiff can accomplish service of civil process against a Georgia corporation, as well as foreign corporations doing business in Georgia. With [Senate Bill 113](#) (SB 113), which was signed into law by Governor Nathan Deal on May 6, 2013, the Georgia Legislature provided a number of clarifying amendments to Section 9-11-4 of the Georgia Civil Practice Act.

Such clarifications included:

1. making it clear that the rules for domestic corporations apply equally to foreign corporations authorized to transact business within the state;
2. establishing different rules for foreign corporations doing business in Georgia without authorization; and
3. creating a new definition for the previously un-defined term "managing agent" as a person who is employed by a corporation, foreign corporation or foreign corporation doing business without authorization "who is at an office or facility in this state and who has managerial or supervisory authority" for such corporation, foreign corporation or unauthorized foreign corporation.

According to one of the bill's sponsors, Georgia Senator Emanuel Jones, SB 113 was aimed at limiting the number of persons who can accept service of process on behalf of a corporate entity in an attempt to provide "a safety net for business owners" by making sure that business owners actually receive notice of civil proceedings. Previously, O.C.G.A. § 9-11-4 permitted personal service on a Georgia corporation to be made by delivering the summons and complaint to "the president or other officer of the corporation, secretary, cashier, or managing agent." Pursuant to SB 113, Section 9-11-4 now provides that service of process can only be made upon the registered agent, president, other officer and managing agent of a Georgia corporation or a foreign corporation authorized to transact business within the state.

For more information about how these clarifications may affect your business, please contact a member of the Firm's Corporate/Mergers & Acquisitions Practice Group.