

House Bill 135 (AS PASSED HOUSE AND SENATE)

By: Representatives Welch of the 110th, Willard of the 51st, Lindsey of the 54th, Powell of the 171st, Meadows of the 5th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 36-33-5 of the Official Code of Georgia Annotated, relating to ante
2 litem notice for municipalities, so as to provide that such notices shall specify the amount of
3 damages sought; to provide for service of such notices; to provide for related matters; to
4 repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Code Section 36-33-5 of the Official Code of Georgia Annotated, relating to ante litem
8 notice for municipalities, is amended by revising subsection (a) and adding two new Code
9 sections to read as follows:

10 "(a) No person, firm, or corporation having a claim for money damages against any
11 municipal corporation on account of injuries to person or property shall bring any action
12 against the municipal corporation for such injuries, without first giving notice as provided
13 in ~~subsection (b)~~ of this Code section."

14 "(e) The description of the extent of the injury required in subsection (b) of this Code
15 section shall include the specific amount of monetary damages being sought from the
16 municipal corporation. The amount of monetary damages set forth in such claim shall
17 constitute an offer of compromise. In the event such claim is not settled by the municipal
18 corporation and the claimant litigates such claim, the amount of monetary damage set forth
19 in such claim shall not be binding on the claimant.

20 (f) A claim submitted under this Code section shall be served upon the mayor or the
21 chairperson of the city council or city commission, as the case may be, by delivering the
22 claim to such official personally or by certified mail or statutory overnight delivery."

23 **SECTION 2.**

24 All laws and parts of laws in conflict with this Act are repealed.