

**Document:** O.C.G.A. § 9-2-21

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**O.C.G.A. § 9-2-21****Copy Citation**

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**Official Code of Georgia Annotated    TITLE 9. CIVIL PRACTICE    CHAPTER 2. ACTIONS  
GENERALLY    ARTICLE 2. PARTIES**

**§ 9-2-21. Parties to actions for torts; notice to Department of Community Health for a party who has received medical assistance benefits**

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- (a)** An action for a tort shall, in general, be brought in the name of the person whose legal right has been affected. In the case of an injury to property, a tort action shall be brought in the name of the person who was legally interested in the property at the time the injury thereto was committed or in the name of his assignee.
- (b)** An action for a tort shall be brought against the party committing the injury, either by himself, his servant, or an agent in his employ.
- (c)** If the person whose legal right has been affected has received medical assistance benefits pursuant to Chapter 4 of Title 49, prior to initiating recovery action, the representative or attorney who has actual knowledge of the receipt of said benefits shall notify the Department of Community Health of the claim. Mailing and deposit in a United States post office or public mail box of said notice addressed to the Department of Community Health with adequate postage affixed is adequate legal notice of the claim. Notice as provided in this subsection shall not be a condition precedent to the filing of any action for tort. Initiating recovery action shall include any communication with a party who may be liable or someone financially responsible for that liability with regard to recovery of a claim including but not limited to the filing of an action in court.

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**History**

Orig. Code 1863, § 3182; Code 1868, § 3193; Code 1873, § 3258; Code 1882, § 3258; Civil Code 1895, § 4940; Civil Code 1910, § 5517; Code 1933, § 3-109; Ga. L. 1993, p. 1080, § 1; Ga. L. 1999, p. 296, § 24.

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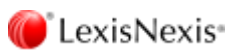
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