

**FINAL BILL REPORT**

**ESB 5018**

**FULL VETO**

**AS PASSED LEGISLATURE**

**Brief Description:** Allowing service of process on a marital community by serving either spouse.

**SPONSORS:** Senator Nelson

**SENATE COMMITTEE ON LAW & JUSTICE**

**HOUSE COMMITTEE ON JUDICIARY**

**BACKGROUND:**

In a civil lawsuit, the plaintiff must personally serve the defendant, or may serve the defendant by leaving a copy of the notice at the defendant's home with a resident of the defendant's home who is of suitable age and discretion.

If the defendant is married, and the action is against the marital community, service of process may be made upon either spouse, and a resulting judgment for a community obligation is enforceable against the community.

It would reduce time delays and costs of litigation if, in actions against spouses involving separate property, service of process could be accomplished by serving either spouse personally or by leaving a copy of the summons at their residence.

**SUMMARY:**

Service of process may be obtained against one or both spouses of a marital community by serving either spouse personally or by leaving a copy of the summons at their home. A summons must be served on each spouse if they do not reside together.

**VOTES ON FINAL PASSAGE:**

|        |    |   |
|--------|----|---|
| Senate | 46 | 0 |
| House  | 97 | 0 |