

SENATE BILL REPORT

SB 5233

AS PASSED SENATE, MARCH 4, 1993

Brief Description: Specifying the fees allowed to prevailing parties for costs related to service of process.

SPONSORS: Senators A. Smith, McCaslin, Spanel, Nelson and Hargrove

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; McCaslin, Nelson, Niemi, Roach, and Spanel.

Staff: Tom Fender (786-7414)

Hearing Dates: January 29, 1993; February 4, 1993

BACKGROUND:

To initiate a legal action it is necessary to personally serve the defendant or respondent to that action. In this process, many attorneys choose the option of using a registered process server. This business organization, registered with the county clerk, is often selected because of the difficulty of locating the defendant or because of the time sensitivity of the matter to the moving party.

Businesses engaged in this activity contend that their reasonable costs in effecting service are often disallowed in favor of the county fee allowance specified for service by the sheriff. Accordingly, a prevailing party may be denied the recovery of actual costs, thus rewarding a defendant that actively evades or obstructs proper legal service.

SUMMARY:

The court is granted express authority to allow costs of service by a public officer to the amount specified by law, or in the alternative, the reasonable costs of effecting service by a registered process server or other authorized person.

Appropriation: none

Revenue: none

Fiscal Note: none requested

TESTIMONY FOR:

This proposal will fairly compensate prevailing parties for the cost of legal service.

TESTIMONY AGAINST: None

TESTIFIED: PRO: Gary D. Ramey, Walt Corneille, Marshall West,
Washington State Process Servers Association