

FINAL BILL REPORT

SHB 1780

C 380 L 97

Synopsis as Enacted

Brief Description: Modifying service of process.

Sponsors: By House Committee on Law & Justice (originally sponsored by Representatives Sheahan, L. Thomas, Pennington, Delvin, Sherstad, Hickel and Kessler).

House Committee on Law & Justice
Senate Committee on Law & Justice

Background: When a party commences a lawsuit against another party, the initiator of the lawsuit must serve notice of the commencement of the lawsuit on the other party. Service of process is necessary for the court to have jurisdiction over the party being sued.

If the defendant is an individual, as opposed to a corporation or other entity, the plaintiff must either personally serve the defendant or leave a copy of the notice at the defendant's home with a person of suitable age and discretion who resides there.

If the plaintiff cannot with reasonable diligence personally serve the defendant or leave the notice at the defendant's home with a person of suitable age and discretion who resides there, two alternative methods of service are available. The plaintiff may serve the notice either by:

- (1) leaving a copy of the notice at the person's usual mailing address with a person of suitable age and discretion who resides at that address, or if the usual mailing address is a place of business, leaving a copy of the notice with the secretary, office manager, vice-president, other head of the company, or the secretary or office assistant to any of those persons, and mailing a copy to the person at the mailing address; or
- (2) leaving a copy of the notice at the person's place of employment, with the secretary, office manager, vice-president, president, or other head of the company, or with the secretary or office assistant to the secretary, office manager, vice-president, president, or other head of the company, and mailing a copy to the person at the place of employment.

Service under these two alternative methods is complete 10 days after the notice is mailed.

Summary: For the purpose of service of process in civil litigation, leaving a copy of the notice at the person's place of employment is no longer an alternative method of service. "Usual mailing address" expressly excludes a person's place of employment.

Votes on Final Passage:

House 97 0

Senate 49 0 (Senate amended)

House 89 0 (House concurred)

Effective: July 27, 1997