

HOUSE BILL ANALYSIS

HB 1780

Title: An act relating to service of process.

Brief Description: Modifying service of process.

Sponsors: Representatives Sheahan, L. Thomas, Pennington, Delvin, Sherstad, Hickel and Kessler.

HOUSE COMMITTEE ON LAW & JUSTICE

Staff: Trudes Hutcheson (786-7384).

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 reside there, two alternative methods of service are available. The plaintiff may serve the notice either by:

- (a) 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 by mailing a copy to the person at the mailing address; or
- (b) 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 deemed complete 10 days after the notice is mailed.

Summary of Bill: A person commencing a lawsuit against an individual must serve notice to the person being sued either personally or by leaving a copy of the notice at the person's home with a person of suitable age and discretion who resides there. The alternative methods of serving an individual by leaving a copy of the notice at the person's usual mailing address or place of employment are no longer effective.

Fiscal Note: Not requested.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Office of Program Research