

# SENATE BILL REPORT

## SHB 1780

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As Reported By Senate Committee On:  
Law & Justice, April 3, 1997

**Title:** An act relating to service of process.

**Brief Description:** Modifying service of process.

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

**Brief History:**

**Committee Activity:** Law & Justice: 3/31/97, 4/3/97 [DPA].

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### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** Do pass as amended.

Signed by Senators Roach, Chair; Johnson, Vice Chair; Goings, Haugen, Long, McCaslin, Stevens and Zarelli.

**Staff:** Mal Murphy (786-7412)

**Background:** When a party commences a lawsuit against another party, the initiator of the lawsuit must serve notice of the commencement of the lawsuit, called a summons, on the other party, in order for the court to obtain jurisdiction over that party.

If the defendant is an individual he or she can be served either personally or by leaving a copy of the summons at the defendant's home with a person of suitable age and discretion who resides there.

If the plaintiff cannot comply with these service requirements, two alternative methods of service are available. They are:

- (a) leaving a copy of the summons at the defendant'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 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 at the person's place of employment, and mailing a copy to the person at the place of employment.

Service is deemed complete 10 days after the notice is mailed.

**Summary of Amended Bill:** The term "usual mailing address" expressly excludes a person's place of employment, as well as a post office box. Leaving a copy of the summons at the person's place of employment is no longer an alternative method of service.

**Amended Bill Compared to Substitute Bill:** The amended bill strikes the emergency clause.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** It is wrong to place employers in the middle of disputes involving employees that have nothing to do with employment. It is embarrassing to both the employer and employee and creates acrimony in the workplace. It is an administrative burden and puts employers potentially at risk for not timely delivering summons. The emergency clause should be removed.

**Testimony Against:** Employer inconvenience should not be the test.

**Testified:** Mark Gjurasic, Kathy Rowner, WA Collectors Association (pro); Craig Hayamoto, Boeing (pro); Anthony Harris, collection attorney (con).