
SUBSTITUTE SENATE BILL 5755

State of Washington

55th Legislature

1997 Regular Session

By Senate Committee on Financial Institutions, Insurance & Housing
(originally sponsored by Senator Swecker)

Read first time 03/05/97.

1 AN ACT Relating to service of process in landlord-tenant disputes;
2 and amending RCW 59.18.055 and 59.20.040.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 59.18.055 and 1989 c 342 s 14 are each amended to read
5 as follows:

6 (1) When the plaintiff, after the exercise of due diligence, is
7 unable to personally serve the summons on the defendant, the court may
8 authorize the alternative means of service described herein. Upon
9 filing of an affidavit from the person or persons attempting service
10 describing those attempts, and the filing of an affidavit from the
11 plaintiff, plaintiff's agent, or plaintiff's attorney stating the
12 belief that the defendant cannot be found, the court may enter an order
13 authorizing service of the summons as follows:

14 ~~((+1))~~ (a) The summons and complaint shall be posted in a
15 conspicuous place on the premises unlawfully held, not less than nine
16 days from the return date stated in the summons; and

17 ~~((+2))~~ (b) Copies of the summons and ~~((compliant-[complaint]))~~
18 complaint shall be deposited in the mail, postage prepaid, by both
19 regular mail and certified mail directed to the defendant's or

1 defendants' last known address not less than nine days from the return
2 date stated in the summons.

3 When service on the defendant or defendants is accomplished by this
4 alternative procedure, the court's jurisdiction is limited to restoring
5 possession of the premises to the plaintiff and no money judgment may
6 be entered against the defendant or defendants until such time as
7 jurisdiction over the defendant or defendants is obtained.

8 (2) This section shall apply to this chapter and chapter 59.20 RCW.

9 **Sec. 2.** RCW 59.20.040 and 1981 c 304 s 5 are each amended to read
10 as follows:

11 This chapter shall regulate and determine legal rights, remedies,
12 and obligations arising from any rental agreement between a landlord
13 and a tenant regarding a mobile home lot and including specified
14 amenities within the mobile home park, mobile home park cooperative, or
15 mobile home park subdivision, where the tenant has no ownership
16 interest in the property or in the association which owns the property,
17 whose uses are referred to as a part of the rent structure paid by the
18 tenant. All such rental agreements shall be unenforceable to the
19 extent of any conflict with any provision of this chapter. Chapter
20 59.12 RCW shall be applicable only in implementation of the provisions
21 of this chapter and not as an alternative remedy to this chapter which
22 shall be exclusive where applicable: PROVIDED, That the provision of
23 RCW 59.12.090, 59.12.100, and 59.12.170 shall not apply to any rental
24 agreement included under the provisions of this chapter. RCW 59.18.055
25 and 59.18.370 through 59.18.410 shall be applicable to any action of
26 forcible entry or detainer or unlawful detainer arising from a tenancy
27 under the provisions of this chapter, except when a mobile home or a
28 tenancy in a mobile home lot is abandoned. Rentals of mobile homes
29 themselves are governed by the Residential Landlord-Tenant Act, chapter
30 59.18 RCW.

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