

SENATE BILL REPORT

SSB 6513

As Passed Senate, February 15, 2002

Title: An act relating to service of summons for persons who cannot be found in this state.

Brief Description: Authorizing service of summons for persons not found in this state.

Sponsors: Senate Committee on Judiciary (originally sponsored by Senators Kline, Kastama, Long and Johnson).

Brief History:

Committee Activity: Judiciary: 1/29/02, 2/7/02 [DPS].

Passed Senate: 2/15/02, 48-0.

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 6513 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kline, Chair; Kastama, Vice Chair; Costa, Hargrove, Johnson, Long, McCaslin, Poulsen, Roach, Thibaudeau and Zarelli.

Staff: Lisa Ellis (786-7421)

Background: In motor vehicle cases, defendants must be given notice through lawful service of summons or process. A resident who uses the public highway and is subsequently unavailable to answer for injuries he or she may have inflicted may be served by substitute service of process on the secretary of state's office if the resident is involved in any accident, collision or liability while operating a motor vehicle on a public highway in Washington and departs from this state within three years.

The supreme court has recently considered the issue of sufficiency of service of process under the nonresident motorist statute. Concern exists that legislation needs to be amended in order to clarify the procedures for lawful service of process for residents involved in accidents, collisions, or liabilities on public highways.

Summary of Bill: Residents involved in any accident, collision, or liability while operating a motor vehicle on a public highway, who cannot be found in this state at any time within three years after a due and diligent search, can be served by service of a summons on the secretary of state.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Defendants can make themselves hard to find and can avoid service without actually departing the state. Permitting substitute service of process in this context would reflect a defendant's right to due process, allow a plaintiff to have his or her day in court, and save time and transactional costs in serving defendants.

Testimony Against: None.

Testified: PRO: Robin K. Mullins, Washington State Process Servers Association; Larry Shannon, Washington State Trial Lawyers Association.