
Judiciary Committee

SB 6059

Title: An act relating to allowing attorneys to recover actual costs for service of process.

Brief Description: Allowing attorneys to recover actual costs for service of process.

Sponsors: Senators Carrell, Kline and Roach.

Brief Summary of Bill

- Allows the prevailing party in a civil suit to recover service of process fees that are actually charged and incurred.
- Allows registered and exempt process servers to charge the actual amount if the fee is \$100 or less and a reasonable amount if the fee is more than \$100.

Hearing Date: 3/28/07

Staff: Trudes Tango (786-7384).

Background:

The prevailing party in a civil suit is entitled to recover certain costs associated with the lawsuit, including service of process fees. Service of process can be made by a public officer, registered process server, or other means. If service is done by a registered process server or a person exempt from registration, the recoverable cost is the amount reasonably incurred in effecting service.

A person who serves legal process for a fee must be registered with the county auditor. Persons exempt from the registration requirement are: (a) sheriffs and other government employees acting in the course of employment; (b) attorneys or the attorney's employees, who are not serving process on a fee basis; (c) persons who are court appointed to serve the court's process; (d) employees of a registered server; and (e) persons who do not receive a fee or wage for serving process.

Summary of Bill:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The recoverable cost for service of process by a registered or exempt process server is the amount actually charged and incurred.

A registered process server or a process server who is exempt from registration may charge and collect the following fees for service: (a) the actual amount, if the fee is not more than \$100; or (b) a reasonable amount, if the fee is more than \$100.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.