

SENATE BILL REPORT

SB 6059

As Passed Senate, March 14, 2007

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 History:

Committee Activity: Judiciary: 2/27/07, 2/28/07 [DP].

Passed Senate: 3/14/07, 49-0.

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin, Ranking Minority Member; Carrell, Hargrove, Murray, Roach and Weinstein.

Staff: Juliana Roe (786-7405)

Background: Under current law, the prevailing party is allowed certain sums by way of indemnity for expenses in an action including a reasonable amount of money incurred in effecting service of process. If the court, upon judgment, finds that the service of process fees previously agreed upon by the process server and the attorney are not reasonable, it may lower those fees despite the agreement.

Summary of Bill: The prevailing party, upon judgment, is allowed certain sums by way of indemnity for expenses in the action including the actual amount of money charged and incurred for the service of a process server.

An exempt or registered process server is allowed to charge and collect, for each service assignment delivered to the process server for service, the following fees: (1) the actual amount if the fee is less than \$100; or (2) a reasonable amount if the fee is greater than \$100.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

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.

Staff Summary of Public Testimony: PRO: There is a need for the standardization of how the service of process fees are allocated across the state. Currently, it depends upon the court and what it deems reasonable. Standardization would take away the vagaries from jurisdiction to jurisdiction.

Persons Testifying: PRO: Ron Belec, Washington State Process Servers; Steve Lindstrom, Process Servers Association.