

HOUSE BILL REPORT

HB 1426

As Passed Legislature

Title: An act relating to the use of certified mail.

Brief Description: Regarding the use of certified mail.

Sponsors: Representatives Hunt and Condotta.

Brief History:

Committee Activity:

Judiciary: 2/2/09, 2/9/09 [DP].

Floor Activity

Passed House: 2/23/09, 96-1.

Passed Senate: 4/13/09, 46-0.

Passed Legislature.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Permits the use of an electronic return receipt delivery confirmation whenever a statute allows or requires the use of "certified mail with a return receipt requested."
--

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 10 members: Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Kelley, Kirby, Ormsby, Roberts, Ross and Warnick.

Staff: Courtney Barnes (786-7194)

Background:

Certified mail with return receipt requested is often used as a way to provide notice. For example, before the sale of real property under execution, order of sale, or decree, the notice of the sale must be transmitted to the judgment debtor using certified mail with return receipt requested. Many court documents may be served on interested parties using certified mail with return receipt requested.

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 United States Postal Service (USPS) allows a mailer purchasing return receipt service to choose to receive the return receipt by mail or e-mail. Mailers that receive the return receipt in the mail receive a green postcard with the recipient's actual signature or approved hand-stamp. Mailers that receive the return receipt via e-mail receive a proof of delivery letter arriving as a portable document format (PDF) attachment that includes an image of the recipient's signature or approved hand-stamp. The charge for receiving a return receipt by mail is \$2.20. The charge for receiving a return receipt by e-mail is \$1.

Summary of Bill:

Whenever a statute allows or requires the use of "certified mail with a return receipt requested," electronic return receipt delivery confirmation provided by the USPS may be used.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) Forty-eight years ago, certified mail with return receipt requested was permitted in lieu of registered mail. This bill permits the use of electronic return receipt delivery confirmation when certified mail is used. The legality of permitting the electronic return receipt delivery confirmation is very important because certified mail is often used to deliver notice. The electronic return receipt is cheaper than the postcard confirmation and offers greater tracking capabilities. The USPS keeps electronic return receipts in a database for seven years. This technology helps consumers and reduces costs. Allowing electronic return receipt delivery confirmation will also help offices become paperless.

(Opposed) None.

Persons Testifying: (In support) Stu Halson, Towing and Recovery Association of Washington; and Greg Luhn, Washington Collectors Association.

Persons Signed In To Testify But Not Testifying: None.