

SENATE BILL REPORT

SHB 1913

As Reported by Senate Committee On:
Judiciary, February 23, 2010

Title: An act relating to process servers.

Brief Description: Changing provisions relating to process servers.

Sponsors: House Committee on Judiciary (originally sponsored by Representatives Warnick, Flannigan and Simpson).

Brief History: Passed House: 2/10/10, 96-0.

Committee Activity: Judiciary: 2/19/10, 2/23/10 [DP].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators Kline, Chair; Regala, Vice Chair; Carrell, Gordon and Kohl-Welles.

Staff: Kim Johnson (786-7472)

Background: A person who serves legal process for a fee must be registered with the auditor of the county in which the process server resides or operates his or her principal place of business. The requirement to register with the county auditor does not apply to:

- sheriffs and other government employees acting in the course of employment;
- attorneys or the attorney's employees who are not serving process on a fee basis;
- persons appointed by the court to serve the court's process;
- employees of a registered process server; and
- persons who do not receive a fee or wage for serving process.

Summary of Bill: All process servers who serve process for a fee must be Washington residents at least 18 years of age or older. The residency requirement does not apply to those persons who are exempt from the requirement to register with the county auditor. Employees of a registered process server are removed from the list of those who are exempt from the requirement to register as a process server.

Appropriation: None.

Fiscal Note: Not 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.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: This is an industry request bill to help further clarify who can and who cannot serve process in Washington. It helps the courts in Washington to know that the process servers reside in this state in case there is any issue or questions with the service of process.

Oregon has enacted a residency requirement that prohibits Washington residents from serving process in Oregon. This bill will just even the playing field by providing a similar residency requirement for service of process in Washington. A recent survey of Vancouver process server businesses estimate that enacting a residency requirement will likely result in a 25 percent increase in business to Washington companies.

Persons Testifying: PRO: Representative Warnick, prime sponsor; MaryLee Rustand, Jennifer Mullins, Steve Lindstrom, Washington State Process Servers Association.