
Judiciary Committee

SB 6115

Title: An act relating to process servers.

Brief Description: Exempting licensed private investigators from process server requirements.

Sponsors: Senators Benton, Roach, Billig and Hobbs.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Exempts licensed private investigators from the residency and registration requirements for serving legal process for a fee.
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Hearing Date: 2/20/14

Staff: Omeara Harrington (786-7136).

Background:

Process Servers.

Under court rule, a sheriff, sheriff's deputy, or any non-party over the age of 18 who is competent to be a witness is authorized to serve legal process. If a person is serving process for a fee, statute requires that the person must be over the age of 18, a Washington resident, and registered with the auditor of the county in which the process server resides or operates his or her principal place of business. County auditors are required to develop registration processes and maintain a register of process servers, and may collect an annual registration fee of up to \$10.

The residency and registration requirements do not apply to certain persons listed in statute. These persons include: sheriffs, sheriff's deputies, and other government employees acting within the course of employment; attorneys and attorneys' employees not serving process for a fee; persons court appointed to serve the court's process; and persons who do not receive a fee or wage for serving process.

Private Investigators.

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.

A person must be licensed by the Department of Licensing (DOL) to work as a private investigator. The DOL will issue a license upon receipt of an application and an investigation to verify the information submitted in the application process. To be licensed as a private investigator, a person must:

- be at least 18 years of age;
- be a United States citizen or resident alien;
- not have been convicted of a crime that directly relates to the person's capacity to perform private investigation duties;
- be employed by or have an employment offer from a private investigator agency;
- submit a set of fingerprints; and
- submit an application including proper identification.

The DOL additionally requires payment of a non-refundable application fee, and completion of preassignment testing and training requirements. Each licensed private investigator is issued a private investigator license card by the DOL.

Summary of Bill:

A person who is licensed in Washington as a private investigator is exempt from the residency and registration requirements for serving process for a fee.

Appropriation: None.

Fiscal Note: Not requested.

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