

SENATE BILL REPORT

SB 6115

As Passed Senate, February 12, 2014

Title: An act relating to process servers.

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

Sponsors: Senators Benton, Roach, Billig and Hobbs.

Brief History:

Committee Activity: Commerce & Labor: 1/20/14, 1/31/14, 2/03/14 [DP].

Passed Senate: 2/12/14, 49-0.

SENATE COMMITTEE ON COMMERCE & LABOR

Majority Report: Do pass.

Signed by Senators Holmquist Newbry, Chair; Braun, Vice Chair; Conway, Ranking Member; Hasegawa, Hewitt, King and Kohl-Welles.

Staff: Jessica Stevenson (786-7465)

Background: People who serve legal process for a fee in Washington must be at least 18 years old, be a resident of Washington, and register as a process server with the auditor of the county where the process server resides or operates their business. However, a person does not need to be a resident or register as a process server if that person is:

- a sheriff, deputy sheriff, marshal, constable, or government employee who is acting in the course of employment;
- an attorney or the attorney's employees, both of whom are not serving for a fee;
- court appointed to serve the court's process; or
- not receiving a fee or wage for serving process.

Summary of Bill: A person does not need to be a resident or register as a process server if the person is a licensed private investigator.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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.

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

Staff Summary of Public Testimony: PRO: Attorneys in Washington who like to use a well-respected process server from Oregon would be able to use the process server of their choice if a licensed private investigator were allowed to serve process in Washington and Washington residency was not required. Current law does not require residency in Washington for others. The intent is to change only the residency requirement to allow circumstances where a person who is involved in process serving in Washington lives on the border of two states.

OTHER: There are concerns about the registration requirement not being imposed since it is easy for the process servers to register at the Auditor's Office while they are in Washington. If process servers from Oregon are allowed to serve in Washington, there should be a discussion about reciprocity for Washington and Oregon so process servers in both states benefit. There is a concern about whether a person licensed under 18.165.030 needs a Washington license.

Persons Testifying: PRO: Senator Benton, prime sponsor.

OTHER: Steve Lindstrom, WA State Process Servers Assn.