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HOUSE BILL 1536

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State of Washington

66th Legislature

2019 Regular Session

By Representative Kirby

Read first time 01/23/19. Referred to Committee on Civil Rights & Judiciary.

1 AN ACT Relating to eliminating the option to serve before filing  
2 a civil complaint; amending RCW 4.28.020 and 4.16.170; and providing  
3 an effective date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 4.28.020 and 1984 c 76 s 2 are each amended to read  
6 as follows:

7 (1) A civil action is commenced by filing with the court a  
8 complaint signed as required by court rule.

9 (2) From the time of the commencement of the action by ((service  
10 of summons, or by)) the filing of a complaint, or as otherwise  
11 provided in statute, the court is deemed to have acquired  
12 jurisdiction and to have control of all subsequent proceedings.

13 **Sec. 2.** RCW 4.16.170 and 1971 ex.s. c 131 s 1 are each amended  
14 to read as follows:

15 For the purpose of tolling any statute of limitations an action  
16 shall be deemed commenced when the complaint is filed ((or summons is  
17 served whichever occurs first. If service has not been had on the  
18 defendant prior to the filing of the complaint,)). The plaintiff  
19 shall cause one or more of the defendants to be served personally, or  
20 commence service by publication within ninety days from the date of

1 filing the complaint. (~~If the action is commenced by service on one~~  
2 ~~or more of the defendants or by publication, the plaintiff shall file~~  
3 ~~the summons and complaint within ninety days from the date of~~  
4 ~~service.~~) If (~~following service, the complaint is not so filed,~~  
5 ~~or~~) following filing, service is not so made, the action shall be  
6 deemed to not have been commenced for purposes of tolling the statute  
7 of limitations.

8 NEW SECTION. **Sec. 3.** This act takes effect January 1, 2020.

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