

RCW 9A.56.078 Motor vehicle crimes—Civil action. (1) A person who is deprived of his or her motor vehicle because of a violation of RCW 9A.56.030, 9A.56.040, 9A.56.070, or 9A.56.075 may file an action in superior court against the perpetrator for the recovery of actual damages, limited to the value of any damage to the vehicle and any property stolen from the vehicle, civil damages of up to five thousand dollars, and the costs of the suit, including reasonable attorneys' fees.

(2) (a) Except as provided in (b) of this subsection, service of any summons or other process under this section shall be by personal service.

(b) (i) If the defendant cannot be found after a due and diligent search, the defendant's violation of RCW 9A.56.030, 9A.56.040, 9A.56.070, or 9A.56.075 shall be deemed to constitute an appointment by the defendant of the secretary of state of the state of Washington to be his or her true and lawful attorney upon whom may be served all lawful summons and processes against him or her under this section. The plaintiff shall perform the service allowed under this subsection (2) (b) (i) by leaving two copies of the summons or other process with the secretary of state or at the secretary of state's office. Service in this manner constitutes sufficient and valid personal service upon the defendant.

(ii) After performing service under (b) (i) of this subsection, the plaintiff shall promptly send notice of service under (b) (i) of this subsection and a copy of the summons or process to the defendant by registered mail, with return receipt requested, to the defendant's last known address. After complying with this subsection (2) (b) (ii), the plaintiff shall file the following with the secretary of state to be attached to the summons or process filed under (b) (i) of this subsection:

(A) An affidavit from the plaintiff attesting to compliance with (b) (ii) of this subsection; and

(B) An affidavit from the plaintiff's attorney that he or she has, with due diligence, attempted to serve personal process upon the defendant at all addresses known to him or her and listing the addresses at which he or she attempted to personally serve the defendant. However, if the defendant's endorsed return receipt is received, then the affidavit need only show that the defendant received personal service by mail.

(iii) The secretary of state shall send, by prepaid mail, a copy of the summons or process received under (b) (i) of this subsection to the defendant's address, if known. The secretary of state shall keep a record that shows the day of service of all summons and processes made under (b) (i) of this subsection.

(iv) The court in which an action is brought under this section may order continuances as may be necessary to afford the defendant a reasonable opportunity to defend the action.

(v) The secretary of state may charge a fee for his or her services under (b) of this subsection. The fee shall be part of the costs of suit that may be awarded to the plaintiff.

(3) The department of licensing shall suspend the driver's license or driving privilege of a defendant until any monetary obligation imposed under subsection (1) of this section is paid in full, unless the defendant has entered into a payment plan under subsection (4) of this section.

(4) If the court determines that a person is not able to pay a monetary obligation made under subsection (1) of this section in full, the court may enter into a payment plan with the person. If the person fails to meet the obligations of the payment plan, the court may modify or revoke the plan and order the defendant to pay the obligation in full. If the court revokes the plan, it shall notify the department of licensing and the department of licensing shall suspend the driver's license or driving privilege of the defendant until the monetary obligation is paid in full.

(5) The court shall notify the department of licensing when the monetary obligation of a defendant whose license is suspended under this section is paid in full. [2007 c 393 s 1.]