

HOUSE BILL REPORT

SHB 1913

As Passed House:
February 10, 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:

Committee Activity:

Judiciary: 2/9/09; 1/28/10, 2/1/10 [DPS].

Floor Activity:

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

Brief Summary of Substitute Bill

- Requires all process servers who serve process for a fee to be Washington residents at least 18 years of age or older.
- Exempts persons who are not required to register as process servers from the residency requirement.
- Removes employees of a registered process server from the list of those who are exempt from the requirement to register.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Kelley, Kirby, Ormsby, Roberts, Ross and Warnick.

Staff: Courtney Barnes (786-7194).

Background:

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 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 Substitute Bill:

Process Servers.

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.

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

Staff Summary of Public Testimony:

(In support) The bill was heard last year and had a troublesome section relating to the Department of Licensing. The proposed substitute bill removes this section. The remaining language is useful public policy. The purpose of the bill is to make certain that process servers are available to the courts. The residency requirement helps further this purpose. The residency requirement also helps Washington process servers who are unable to serve process in Oregon because of a residency requirement that was recently enacted in Oregon. The bill will prevent Oregon process servers from serving process in Washington.

(Neutral) The American Civil Liberties Union of Washington (ACLU) had concerns with the section that has been removed by the proposed substitute bill. The ACLU has no position on the remaining sections of the bill.

(Opposed) None.

Persons Testifying: (In support) Representative Warnick, prime sponsor; and MaryLee Rustand, Robin Mullins, and Steve Lindstrom, Washington State Process Servers Association.

(Neutral) Doug Klunder, American Civil Liberties Union of Washington.

Persons Signed In To Testify But Not Testifying: None.