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HOUSE BILL 3071

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State of Washington

61st Legislature

2010 Regular Session

By Representative Rodne

Read first time 01/22/10. Referred to Committee on Judiciary.

1 AN ACT Relating to service of notice requirements under the  
2 residential landlord-tenant act; and amending RCW 59.12.040.

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

4 **Sec. 1.** RCW 59.12.040 and 1983 c 264 s 2 are each amended to read  
5 as follows:

6 Any notice provided for in this chapter shall be served either (1)  
7 by delivering a copy personally to the person entitled thereto or, if  
8 there are two or more such persons, a jointly addressed copy personally  
9 to one of the persons entitled thereto; or (2) if he ((~~be~~)) or she or  
10 they are absent from the premises unlawfully held, by leaving there a  
11 copy, or jointly addressed copy if there is more than one person  
12 entitled to notice, with some person of suitable age and discretion,  
13 and sending ((~~a~~)) such copy through the mail addressed to the person or  
14 persons entitled thereto at his or her place of residence; or (3) if  
15 the person or persons to be notified be a tenant, or an unlawful holder  
16 of the premises, and his or her place of residence is not known, or if  
17 a person of suitable age and discretion there cannot be found then by  
18 affixing a copy of the notice in a conspicuous place on the premises  
19 unlawfully held, and also delivering a copy to a person there residing,

1 if such a person can be found, and also sending a copy through the mail  
2 addressed to the tenant, or jointly to the tenants, or unlawful  
3 occupant or occupants, at the place where the premises unlawfully held  
4 are situated. Service upon a subtenant may be made in the same manner:  
5 PROVIDED, That in cases where the tenant or unlawful occupant, shall be  
6 conducting a hotel, inn, lodging house, boarding house, or shall be  
7 renting rooms while still retaining control of the premises as a whole,  
8 that the guests, lodgers, boarders or persons renting such rooms shall  
9 not be considered as subtenants within the meaning of this chapter, but  
10 all such persons may be served by affixing a copy of the notice to be  
11 served in two conspicuous places upon the premises unlawfully held; and  
12 such persons shall not be necessary parties defendant in an action to  
13 recover possession of said premises. Service of any notice provided  
14 for in this chapter may be had upon a corporation by delivering a copy  
15 thereof to any officer, agent or person having charge of the business  
16 of such corporation, at the premises unlawfully held, and in case no  
17 such officer, agent or person can be found upon such premises, then  
18 service may be had by affixing a copy of such notice in a conspicuous  
19 place upon said premises and by sending a copy through the mail  
20 addressed to such corporation at the place where said premises are  
21 situated. Proof of any service under this section may be made by the  
22 affidavit of the person making the same in like manner and with like  
23 effect as the proof of service of summons in civil actions. When a  
24 copy of notice is sent through the mail, as provided in this section,  
25 service shall be deemed complete when such copy is deposited in the  
26 United States mail in the county in which the property is situated  
27 properly addressed with postage prepaid: PROVIDED, HOWEVER, That when  
28 service is made by mail one additional day shall be allowed before the  
29 commencement of an action based upon such notice. RCW 59.18.375 may  
30 also apply to notice given under this chapter.

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