

# HOUSE BILL REPORT

## SSB 5167

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### As Passed House - Amended:

February 29, 1996

**Title:** An act relating to service of process.

**Brief Description:** Allowing service of process on a marital community by serving either spouse.

**Sponsors:** Senate Committee on Law & Justice (originally sponsored by Senator Smith).

### Brief History:

#### Committee Activity:

Law & Justice: 2/9/96, 2/16/96 [DPA].

#### Floor Activity:

Passed House - Amended: 2/29/96, 96-0.

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### HOUSE COMMITTEE ON LAW & JUSTICE

**Majority Report:** Do pass as amended. Signed by 15 members: Representatives Sheahan, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Dellwo, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Murray; Smith; Sterk and Veloria.

**Minority Report:** Do not pass. Signed by 1 member: Representative Robertson.

**Staff:** Edie Adams (786-7180).

**Background:** When a party commences a lawsuit against another party, the party initiating the lawsuit must serve notice of the commencement of the lawsuit on the other party. Service of process is necessary for the court to have jurisdiction over the defendant.

If the defendant is an individual, as opposed to a corporation or other entity, the plaintiff must either personally serve the defendant or leave a copy of the notice at the defendant's home with a resident of the defendant's home who is of suitable age and discretion.

If the party is married, and the action is against the marital community, service of process may be made on either spouse, and a resulting judgment for a community obligation is enforceable against the community.

**Summary of Bill:** When serving notice of the commencement of a lawsuit upon an individual, if personal service cannot be made with reasonable diligence, an alternative method of service is authorized. Service may be completed by

- (1) leaving a copy of the summons at the person's usual mailing address with a person of suitable age or discretion residing at the address, or if the usual mailing address is a place of business, the summons may be left with the secretary, office manager, vice-president, president, other head of the company, or the secretary or office assistant to any of those persons, and mailing a copy by first class mail to the person to be served at his or her usual mailing address; or
- (2) leaving a copy of the summons at the person's place of employment, with the secretary, office manager, vice-president, president, or other head of the company, or with the secretary or office assistant to the secretary, office manager, vice-president, president, or other head of the company, and mailing a copy by first class mail, to the person to be served at his or her place of employment.

Service made under the alternative is complete 10 days after service is mailed.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** None.

**Testimony Against:** None.

**Testified:** None.