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HOUSE BILL 1780

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State of Washington

55th Legislature

1997 Regular Session

By Representatives Sheahan, L. Thomas, Pennington, Delvin, Sherstad, Hickel and Kessler

Read first time 02/07/97. Referred to Committee on Law & Justice.

1 AN ACT Relating to service of process; amending RCW 4.28.080; and  
2 declaring an emergency.

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

4 **Sec. 1.** RCW 4.28.080 and 1996 c 223 s 1 are each amended to read  
5 as follows:

6 Service made in the modes provided in this section shall be taken  
7 and held to be personal service. The summons shall be served by  
8 delivering a copy thereof, as follows:

9 (1) If the action be against any county in this state, to the  
10 county auditor or, during normal office hours, to the deputy auditor,  
11 or in the case of a charter county, summons may be served upon the  
12 agent, if any, designated by the legislative authority.

13 (2) If against any town or incorporated city in the state, to the  
14 mayor, city manager, or, during normal office hours, to the mayor's or  
15 city manager's designated agent or the city clerk thereof.

16 (3) If against a school or fire district, to the superintendent or  
17 commissioner thereof or by leaving the same in his or her office with  
18 an assistant superintendent, deputy commissioner, or business manager  
19 during normal business hours.

1 (4) If against a railroad corporation, to any station, freight,  
2 ticket or other agent thereof within this state.

3 (5) If against a corporation owning or operating sleeping cars, or  
4 hotel cars, to any person having charge of any of its cars or any agent  
5 found within the state.

6 (6) If against a domestic insurance company, to any agent  
7 authorized by such company to solicit insurance within this state.

8 (7) If against a foreign or alien insurance company, as provided in  
9 chapter 48.05 RCW.

10 (8) If against a company or corporation doing any express business,  
11 to any agent authorized by said company or corporation to receive and  
12 deliver express matters and collect pay therefor within this state.

13 (9) If the suit be against a company or corporation other than  
14 those designated in the preceding subdivisions of this section, to the  
15 president or other head of the company or corporation, the registered  
16 agent, secretary, cashier or managing agent thereof or to the  
17 secretary, stenographer or office assistant of the president or other  
18 head of the company or corporation, registered agent, secretary,  
19 cashier or managing agent.

20 (10) If the suit be against a foreign corporation or nonresident  
21 joint stock company, partnership or association doing business within  
22 this state, to any agent, cashier or secretary thereof.

23 (11) If against a minor under the age of fourteen years, to such  
24 minor personally, and also to his or her father, mother, guardian, or  
25 if there be none within this state, then to any person having the care  
26 or control of such minor, or with whom he or she resides, or in whose  
27 service he or she is employed, if such there be.

28 (12) If against any person for whom a guardian has been appointed  
29 for any cause, then to such guardian.

30 (13) If against a foreign or alien steamship company or steamship  
31 charterer, to any agent authorized by such company or charterer to  
32 solicit cargo or passengers for transportation to or from ports in the  
33 state of Washington.

34 (14) If against a self-insurance program regulated by chapter 48.62  
35 RCW, as provided in chapter 48.62 RCW.

36 (15) In all other cases, to the defendant personally, or by leaving  
37 a copy of the summons at the house of his or her usual abode with some  
38 person of suitable age and discretion then resident therein.

1       (~~(16)~~ In lieu of service under subsection (15) of this section,  
2 where the person cannot with reasonable diligence be served as  
3 described, the summons may be served as provided in this subsection,  
4 and shall be deemed complete on the tenth day after the required  
5 mailing:

6       (a) By leaving a copy at his or her usual mailing address other  
7 than a United States postal service post office box with a person of  
8 suitable age and discretion then resident therein or, if the address is  
9 a place of business, with the secretary, office manager, vice-  
10 president, president, or other head of the company, or with the  
11 secretary or office assistant to such secretary, office manager, vice-  
12 president, president, or other head of the company, and by thereafter  
13 mailing a copy by first class mail, postage prepaid, to the person to  
14 be served at his or her usual mailing address other than a United  
15 States postal service post office box; or

16       (b) By leaving a copy at his or her place of employment, during  
17 usual business hours, with the secretary, office manager, vice-  
18 president, president, or other head of the company, or with the  
19 secretary or office assistant to such secretary, office manager, vice-  
20 president, president, or other head of the company, and by thereafter  
21 mailing a copy by first class mail, postage prepaid, to the person to  
22 be served at his or her place of employment.))

23       NEW SECTION.   **Sec. 2.** This act is necessary for the immediate  
24 preservation of the public peace, health, or safety, or support of the  
25 state government and its existing public institutions, and takes effect  
26 immediately.

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