CERTIFICATION OF ENROLLMENT

SENATE BILL 6059

Chapter 121, Laws of 2007

60th Legislature
2007 Regular Session

SERVICE OF PROCESS--RECOVERY OF COSTS

EFFECTIVE DATE: 07/22/07

Passed by the Senate March 14, 2007
YEAS 49  NAYS 0

BRAD OWEN
President of the Senate

Passed by the House April 4, 2007
YEAS 95  NAYS 0

FRANK CHOPP
Speaker of the House of Representatives

Certified April 18, 2007, 11:34 a.m.

THOMAS HOEMANN
Secretary

FILED
April 18, 2007

CHRISTINE GREGOIRE
Governor of the State of Washington

SECRETARY OF STATE
State of Washington
AN ACT Relating to allowing attorneys to recover actual costs for service of process; amending RCW 4.84.010; and adding a new section to chapter 18.180 RCW.

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

Sec. 1. RCW 4.84.010 and 1993 c 48 s 1 are each amended to read as follows:

The measure and mode of compensation of attorneys and counselors, shall be left to the agreement, expressed or implied, of the parties, but there shall be allowed to the prevailing party upon the judgment certain sums by way of indemnity for the prevailing party's expenses in the action, which allowances are termed costs, including, in addition to costs otherwise authorized by law, the following expenses:

1. Filing fees;
2. Fees for the service of process by a public officer, registered process server, or other means, as follows:
   a. When service is by a public officer, the recoverable cost is the fee authorized by law at the time of service.
   b. If service is by a process server registered pursuant to
chapter 18.180 RCW or a person exempt from registration, the recoverable cost is the amount (reasonably) actually charged and incurred in effecting service;

(3) Fees for service by publication;

(4) Notary fees, but only to the extent the fees are for services that are expressly required by law and only to the extent they represent actual costs incurred by the prevailing party;

(5) Reasonable expenses, exclusive of attorneys' fees, incurred in obtaining reports and records, which are admitted into evidence at trial or in mandatory arbitration in superior or district court, including but not limited to medical records, tax records, personnel records, insurance reports, employment and wage records, police reports, school records, bank records, and legal files;

(6) Statutory attorney and witness fees; and

(7) To the extent that the court or arbitrator finds that it was necessary to achieve the successful result, the reasonable expense of the transcription of depositions used at trial or at the mandatory arbitration hearing: PROVIDED, That the expenses of depositions shall be allowed on a pro rata basis for those portions of the depositions introduced into evidence or used for purposes of impeachment.

NEW SECTION. Sec. 2. A new section is added to chapter 18.180 RCW to read as follows:

(1) A process server required to register under RCW 18.180.010(1) or exempt from registration under RCW 18.180.010(2) (a), (c), or (d) shall be allowed to charge and collect the following fees in civil actions, suits, and proceedings for each service assignment delivered to the process server for service:

(a) If the fee is not greater than one hundred dollars, then the actual amount charged to a party for service;

(b) If the fee is greater than one hundred dollars, then a reasonable amount charged to a party for service.

(2) Any fees allowable under this section, and actually charged by a process server, shall be a reasonable cost awarded to, and recoverable by, the party incurring same if that party prevails in an action.

Passed by the Senate March 14, 2007.
Passed by the House April 4, 2007.
Approved by the Governor April 18, 2007.
Filed in Office of Secretary of State April 18, 2007.