
Judiciary Committee

HB 2391

Title: An act relating to a sunrise review of the need for regulation of process servers.

Brief Description: Requiring the department of licensing to conduct a review of the need for regulation of process servers.

Sponsors: Representative Hudgins.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Requires the Department of Licensing to conduct a review of the need for regulation of process servers.

Hearing Date: 1/24/14

Staff: Jenna Zwang (786-7290) and Edie Adams (786-7180).

Background:

Process Servers.

Process servers serve legal documents and process, such as subpoenas, writs and warrants. In order to serve process for a fee in Washington, a process server must be eighteen years or older, and a resident of Washington, and must register as a process server with the auditor of the county in which the process server resides or operates his or her principal place of business.

The registration requirements do not apply to sheriffs, government employees acting in the course of employment, attorneys or attorneys' employees who are not serving for a fee, persons appointed by the court to serve the court's process, or anyone who does not receive a fee or wage for serving process.

When serving, process servers must indicate their registration number and county of registration on any proof of service which the process server signs.

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.

County auditors are responsible for developing the registration process for process servers. Process servers must register using a form that includes the process server's name, birthday, social security number, business name, business address, and business telephone number. County auditors may collect an annual registration fee not to exceed ten dollars. They must maintain a register of process servers and assign each process server a registration number.

Sunrise Reviews.

The Legislature may request the Department of Licensing (DOL) to conduct a sunrise review of business profession credentialing proposals. The sunrise review laws provide that regulation should not be imposed upon any business professions except for the exclusive purpose of protecting the public interest. A business profession should be regulated by the state only when unregulated practice can clearly harm or endanger the health, safety, or welfare of the public, the public needs and will benefit from an assurance of initial and continuing professional ability, and the public cannot be effectively protected by other means in a more cost-beneficial manner.

The sunrise review law provides that an individual or group proposing regulation of a profession must address certain factors including the following:

- a definition of the problem and why regulation is necessary;
- the efforts made to address the problems;
- the alternatives considered;
- the benefit to the public if regulation is granted;
- the extent to which regulation might harm the public;
- the maintenance of standards;
- a description of the group proposed for regulation; and
- the expected costs of regulation.

The DOL submits a final report to the Legislature, which is advisory only. No specific legal rights are granted or taken away because of the sunrise process.

Summary of Bill:

The DOL is required to conduct a sunrise review of the need for regulation of process servers. In conducting the review, the DOL must look to the process server regulations of other states, conduct public hearings, and consult with the following representatives:

- representatives of process servers;
- courts;
- attorneys;
- law enforcement; and
- any entity that may assist in identifying areas of concern regarding professionalism and qualifications of process servers.

By November 1, 2014, the DOL must submit recommendations to the Legislature regarding the need for process server regulation.

Appropriation: None.

Fiscal Note: Available.

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