

SENATE BILL REPORT

SSB 5167

As Passed Senate, January 17, 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: 1/23/95, 2/1/95 [DPS]; 1/9/96 [DP].
Passed Senate, 3/11/95, 46-0; 1/17/96, 47-0.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Haugen, Johnson, Long, McCaslin, Quigley, Roach and Schow.

Staff: Cynthia Runger (786-7717)

Background: When a party commences a civil action against another party, the party initiating the lawsuit must serve process on the other party. Service of process is necessary for the court to have jurisdiction over the defendant. If the action is against a marital community, service of process is made on both spouses.

Summary of Bill: If a marital community is being sued, service of process may be made by serving either spouse personally or by leaving a copy of the summons at the house of the spouse's usual abode with a resident of suitable age and discretion.

If personal service cannot be achieved with reasonable diligence, service of process may be made by mailing a copy of the process to the defendant and by: 1) leaving a copy at his or her usual mailing address with a person of suitable age and discretion, if it's a resident, or an office manager, cashier, executive officer or their assistant, if the address is a business; or 2) leaving a copy at his or her place of employment with an office manager, cashier, executive officer or their assistant.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: It would reduce time delays and costs of litigation if, in actions against a marital community, service of process could be accomplished by serving either spouse personally or by leaving a copy of the summons at their residence.

Additionally, the bill addresses the situation in which people use "mail drop" addresses as their legal residence. This legislation would not permit persons to avoid service of process through the use of such a device.

Testimony Against: None.

Testified: PRO: Mark Gjurasic, WA Collectors Assn.; Kevin Underwood, WA Collectors Assn.

House Amendment(s): The amendment removes the provision that codifies the rule permitting service of process on either spouse if an action is against a marital community.