

# SENATE BILL REPORT

## SB 5167

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As Reported By Senate Committee On:  
Law & Justice, February 1, 1995

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

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

**Sponsors:** Senator Smith.

**Brief History:**

**Committee Activity:** Law & Justice: 1/23/95, 2/1/95 [DPS].

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### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** That Substitute Senate Bill No. 5167 be substituted therefor, and the substitute bill do pass.

Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, 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 one or both spouses of a marital community, service of process is made on both spouses. This is done either by serving each spouse personally, or leaving a copy of the summons for each spouse at the marital community's residence with a person of suitable age and discretion.

**Summary of Substitute Bill:** Service of process may be made against one or both spouses of a marital community by serving either spouse personally. However, if the action is against the separate property of a spouse, that spouse must be personally served.

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; 2) leaving a copy at his or her place of employment with an office manager, cashier, executive officer or their assistant.

**Substitute Bill Compared to Original Bill:** This bill clarifies who may receive substitute service. Additionally, it eliminates security persons and attendants from the list of those qualified to receive substitute service.

**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.; Kathy Rouner, WA Collectors Assn.