
SUBSTITUTE SENATE BILL 5167

State of Washington

54th Legislature

1995 Regular Session

By Senate Committee on Law & Justice (originally sponsored by Senator Smith)

Read first time 02/02/95.

1 AN ACT Relating to service of process; and amending RCW 4.28.080.

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

3 **Sec. 1.** RCW 4.28.080 and 1991 sp.s. c 30 s 28 are each amended to
4 read as follows:

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

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

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

15 (3) If against a school or fire district, to the superintendent or
16 commissioner thereof or by leaving the same in his or her office with
17 an assistant superintendent, deputy commissioner, or business manager
18 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) If against a marital community, to either spouse personally,
37 or by leaving a copy of the summons at the house of the spouse's usual
38 abode with some person of suitable age and discretion then resident
39 therein.

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

4 ~~((Service made in the modes provided in this section shall be taken~~
5 ~~and held to be personal service.))~~

6 (17) In lieu of service under subsections (15) and (16) of this
7 section, where the person cannot with reasonable diligence be served as
8 described, the summons may be served as provided in this subsection,
9 and shall be deemed complete on the tenth day after the required
10 mailing:

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

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

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