
SENATE BILL 5167

State of Washington

54th Legislature

1995 Regular Session

By Senator Smith

Read first time 01/13/95. Referred to Committee on Law & Justice.

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 one or both spouses of a marital community, to
37 either spouse personally, or by leaving a copy of the summons at the
38 house of their usual abode with some person of suitable age and
39 discretion then resident therein. If the spouses do not reside

1 together, each must be served as for personal service on an individual.
2 To the extent the action involves the separate property of a spouse,
3 that spouse must be served as for personal service on an individual.

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

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

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

14 (a) By leaving a copy at his or her usual mailing address other
15 than a United States postal service post office box with the person
16 apparently in charge thereof, and by thereafter mailing a copy by first
17 class mail, postage prepaid, to the person to be served at his or her
18 usual mailing address other than a United States postal service post
19 office box;

20 (b) By leaving a copy at his or her place of employment, during
21 usual business hours, with the person apparently in charge thereof, and
22 by thereafter mailing a copy by first class mail, postage prepaid, to
23 the person to be served at his or her place of employment; or

24 (c) Where access to the person to be served at his or her usual
25 place of abode, place of employment, or usual mailing address other
26 than a United States postal service post office box, is restricted by
27 one or more guards, attendants, or security persons, by leaving a copy
28 with a guard, attendant, or security person and by thereafter mailing
29 a copy by first class mail, postage prepaid, to the person to be served
30 at his or her usual place of abode, place of employment, or usual
31 mailing address other than a United States postal service post office
32 box.

--- END ---