
SENATE BILL 6154

State of Washington

68th Legislature

2024 Regular Session

By Senators Torres and Mullet; by request of Secretary of State

Read first time 01/11/24. Referred to Committee on Law & Justice.

1 AN ACT Relating to updating process service requirements for
2 corporations in Washington state; amending RCW 4.28.080, 4.28.100,
3 and 46.64.040; and repealing RCW 4.28.090.

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

5 **Sec. 1.** RCW 4.28.080 and 2015 c 51 s 2 are each amended to read
6 as follows:

7 Service made in the modes provided in this section is personal
8 service. The summons shall be served by delivering a copy thereof, as
9 follows:

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

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

17 (3) If against a school or fire district, to the superintendent
18 or commissioner thereof or by leaving the same in his or her office
19 with an assistant superintendent, deputy commissioner, or business
20 manager 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,
4 or hotel cars, to any person having charge of any of its cars or any
5 agent 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) (a) If against an authorized foreign or alien insurance
9 company, as provided in RCW 48.05.200.

10 (b) If against an unauthorized insurer, as provided in RCW
11 48.05.215 and 48.15.150.

12 (c) If against a reciprocal insurer, as provided in RCW
13 48.10.170.

14 (d) If against a nonresident surplus line broker, as provided in
15 RCW 48.15.073.

16 (e) If against a nonresident insurance producer or title
17 insurance agent, as provided in RCW 48.17.173.

18 (f) If against a nonresident adjuster, as provided in RCW
19 48.17.380.

20 (g) If against a fraternal benefit society, as provided in RCW
21 48.36A.350.

22 (h) If against a nonresident reinsurance intermediary, as
23 provided in RCW 48.94.010.

24 (i) If against a nonresident life settlement provider, as
25 provided in RCW 48.102.011.

26 (j) If against a nonresident life settlement broker, as provided
27 in RCW 48.102.021.

28 (k) If against a service contract provider, as provided in RCW
29 48.110.030.

30 (l) If against a protection product guarantee provider, as
31 provided in RCW 48.110.055.

32 (m) If against a discount plan organization, as provided in RCW
33 48.155.020.

34 (8) If against a (~~company or corporation doing any express~~
35 ~~business, to any agent authorized by said company or corporation to~~
36 ~~receive and deliver express matters and collect pay therefor within~~
37 ~~this state~~)) represented entity as defined by RCW 23.95.400, service
38 of process, notice, or demand required or permitted by law to be
39 served on the corporation may be made in accordance with RCW
40 23.95.450.

1 (9) ~~((If against a company or corporation other than those~~
2 ~~designated in subsections (1) through (8) of this section, to the~~
3 ~~president or other head of the company or corporation, the registered~~
4 ~~agent, secretary, cashier or managing agent thereof or to the~~
5 ~~secretary, stenographer or office assistant of the president or other~~
6 ~~head of the company or corporation, registered agent, secretary,~~
7 ~~cashier or managing agent.~~

8 ~~(10) If against a foreign corporation or nonresident joint stock~~
9 ~~company, partnership or association doing business within this state,~~
10 ~~to any agent, cashier or secretary thereof.~~

11 ~~(11))~~ If against a minor under the age of fourteen years, to
12 such minor personally, and also to his or her father, mother,
13 guardian, or if there be none within this state, then to any person
14 having the care or control of such minor, or with whom he or she
15 resides, or in whose service he or she is employed, if such there be.

16 ~~((12))~~ (10) If against any person for whom a guardian has been
17 appointed for any cause, then to such guardian.

18 ~~((13))~~ (11) If against a foreign or alien steamship company or
19 steamship charterer, to any agent authorized by such company or
20 charterer to solicit cargo or passengers for transportation to or
21 from ports in the state of Washington.

22 ~~((14))~~ (12) If against a self-insurance program regulated by
23 chapter 48.62 RCW, as provided in chapter 48.62 RCW.

24 ~~((15))~~ (13) If against a party to a real estate purchase and
25 sale agreement under RCW 64.04.220, by mailing a copy by first-class
26 mail, postage prepaid, to the party to be served at his or her usual
27 mailing address or the address identified for that party in the real
28 estate purchase and sale agreement.

29 ~~((16))~~ (14) In all other cases, to the defendant personally, or
30 by leaving a copy of the summons at the house of his or her usual
31 abode with some person of suitable age and discretion then resident
32 therein.

33 ~~((17))~~ (15) In lieu of service under subsection ~~((16))~~ (14)
34 of this section, where the person cannot with reasonable diligence be
35 served as described, the summons may be served as provided in this
36 subsection, and shall be deemed complete on the tenth day after the
37 required mailing: By leaving a copy at his or her usual mailing
38 address with a person of suitable age and discretion who is a
39 resident, proprietor, or agent thereof, and by thereafter mailing a
40 copy by first-class mail, postage prepaid, to the person to be served

1 at his or her usual mailing address. For the purposes of this
2 subsection, "usual mailing address" does not include a United States
3 postal service post office box or the person's place of employment.

4 NEW SECTION. **Sec. 2.** RCW 4.28.090 (Service on corporation
5 without officer in state upon whom process can be served) and 1985 c
6 469 s 1 & 1893 c 127 s 8 are each repealed.

7 **Sec. 3.** RCW 4.28.100 and 2011 c 336 s 97 are each amended to
8 read as follows:

9 When the defendant cannot be found within the state, and upon the
10 filing of an affidavit of the plaintiff, his or her agent, or
11 attorney, with the clerk of the court, stating that he or she
12 believes that the defendant is not a resident of the state, or cannot
13 be found therein, and that he or she has deposited a copy of the
14 summons (substantially in the form prescribed in RCW 4.28.110) and
15 complaint in the post office, directed to the defendant at his or her
16 place of residence, unless it is stated in the affidavit that such
17 residence is not known to the affiant, and stating the existence of
18 one of the cases hereinafter specified, the service may be made by
19 publication of the summons, by the plaintiff or his or her attorney
20 in any of the following cases:

21 (1) When the defendant is a nonregistered foreign (~~(corporation)~~)
22 entity as defined by RCW 23.95.105, and has property within the
23 state;

24 (2) When the defendant, being a resident of this state, has
25 departed therefrom with intent to defraud his or her creditors, or to
26 avoid the service of a summons, or keeps himself or herself concealed
27 therein with like intent;

28 (3) When the defendant is not a resident of the state, but has
29 property therein and the court has jurisdiction of the subject of the
30 action;

31 (4) When the action is for (a) establishment or modification of a
32 parenting plan or residential schedule; or (b) dissolution of
33 marriage, legal separation, or declaration of invalidity, in the
34 cases prescribed by law;

35 (5) When the action is for nonparental custody under chapter
36 26.10 RCW and the child is in the physical custody of the petitioner;

37 (6) When the subject of the action is real or personal property
38 in this state, and the defendant has or claims a lien or interest,

1 actual or contingent, therein, or the relief demanded consists
2 wholly, or partly, in excluding the defendant from any interest or
3 lien therein;

4 (7) When the action is to foreclose, satisfy, or redeem from a
5 mortgage, or to enforce a lien of any kind on real estate in the
6 county where the action is brought, or satisfy or redeem from the
7 same;

8 (8) When the action is against any corporation, whether private
9 or municipal, organized under the laws of the state, and the proper
10 officers on whom to make service do not exist or cannot be found;

11 (9) When the action is brought under RCW 4.08.160 and 4.08.170 to
12 determine conflicting claims to property in this state.

13 **Sec. 4.** RCW 46.64.040 and 2003 c 223 s 1 are each amended to
14 read as follows:

15 (1) The acceptance by a nonresident of the rights and privileges
16 conferred by law in the use of the public highways of this state, as
17 evidenced by ~~((his or her operation))~~:

18 (a) Operation of a vehicle thereon ~~((τ))~~; or ~~((the))~~

19 (b) The operation thereon of ~~((his or her))~~ the nonresident's
20 vehicle with ~~((his or her))~~ the nonresident's consent, express or
21 implied, shall be deemed equivalent to and construed to be an
22 appointment by such nonresident of the secretary of state of the
23 state of Washington to be ~~((his or her))~~ the nonresident's true and
24 lawful attorney upon whom may be served all lawful summons and
25 processes against ~~((him or her))~~ the nonresident growing out of any
26 accident, collision, or liability in which such nonresident may be
27 involved while operating a vehicle upon the public highways, or while
28 ~~((his or her))~~ the nonresident's vehicle is being operated thereon
29 with ~~((his or her))~~ the nonresident's consent, express or implied ~~((τ~~
30 ~~and such))~~.

31 (2) Such operation and acceptance shall be a signification of the
32 nonresident's agreement that any summons or process against ~~((him or~~
33 ~~her))~~ the nonresident which is so served shall be of the same legal
34 force and validity as if served on the nonresident personally within
35 the state of Washington.

36 (3) Likewise each resident of this state who, while operating a
37 motor vehicle on the public highways of this state ~~((τ-is))~~:

38 (a) Is involved in any accident, collision, or liability; and
39 ~~((thereafter))~~

1 (b) Thereafter at any time within the following three years
2 cannot, after a due and diligent search, be found in this state
3 appoints the secretary of state of the state of Washington as (~~his~~
4 ~~or her~~) the person's lawful attorney for service of summons or
5 process as provided in this section for nonresidents.

6 (4) Service of such summons or process shall be made by leaving
7 two copies thereof with a fee established by the secretary of state
8 by rule with the secretary of state of the state of Washington, or at
9 the secretary of state's office (~~and such~~).

10 (5) Such service shall be sufficient and valid personal service
11 upon said resident or nonresident (~~PROVIDED, That notice~~),
12 provided that:

13 (a) Notice of such service and a copy of the summons or process
14 is forthwith sent by registered mail with return receipt requested,
15 by plaintiff to the defendant at the last known address of the said
16 defendant (~~and~~); and (~~the~~)

17 (b) The plaintiff's affidavit of compliance herewith are appended
18 to the process, together with (~~the~~):

19 (i) The affidavit of the plaintiff or plaintiff's attorney that
20 the plaintiff or attorney has with due diligence attempted to serve
21 personal process upon the defendant at all addresses of the defendant
22 known to (~~him or her or of defendant~~) the plaintiff or attorney; and

23 (ii) A further listing in (~~his or her~~) the plaintiff or
24 plaintiff's attorney's affidavit the addresses at which (~~he or she~~)
25 the plaintiff or attorney attempted to have process served.
26 (~~However, if~~)

27 (6) If process is forwarded by registered mail and defendant's
28 endorsed receipt is received and entered as a part of the return of
29 process then the (~~foregoing~~) affidavit (~~of plaintiff's attorney~~)
30 required in subsection (5) of this section need only show that the
31 defendant received personal delivery by mail (~~PROVIDED FURTHER,~~
32 ~~That~~). However, personal service outside of this state in accordance
33 with the provisions of law relating to personal service of summons
34 outside of this state shall relieve the plaintiff from mailing a copy
35 of the summons or process by registered mail as (~~hereinbefore~~)
36 provided in this section.

37 (7) The secretary of state shall (~~forthwith~~) within eight
38 business days, send one of such copies by mail, postage prepaid,
39 addressed to the defendant at the defendant's address, if known to
40 the secretary of state.

1 (8) The court in which the action is brought may order such
2 continuances as may be necessary to afford the defendant reasonable
3 opportunity to defend the action.

4 (9) The fee paid by the plaintiff to the secretary of state shall
5 be taxed as part of ((~~his or her~~)) the plaintiff's costs if ((~~he or~~
6 ~~she~~)) the plaintiff prevails in the action.

7 (10) The secretary of state shall keep a record of all such
8 summons and processes, which shall show the day of service.

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