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SENATE BILL 5492

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State of Washington

53rd Legislature

1993 Regular Session

By Senators Spanel, Snyder, Nelson and M. Rasmussen; by request of Secretary of State

Read first time 02/01/93. Referred to Committee on Law & Justice.

1 AN ACT Relating to fees paid to the secretary of state's office;  
2 amending RCW 23.86.070, 23B.01.220, 23B.01.530, 23B.01.560, 24.03.405,  
3 24.03.410, 24.06.450, 24.06.520, 24.20.020, 24.24.010, 24.24.100,  
4 31.12.085, 33.28.010, 43.07.120, 43.07.130, and 46.64.040; adding a new  
5 section to chapter 43.07 RCW; providing an effective date; and  
6 declaring an emergency.

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

8 **Sec. 1.** RCW 23.86.070 and 1991 c 72 s 15 are each amended to read  
9 as follows:

10 For filing articles of incorporation or an amendment to articles of  
11 incorporation of an association organized under this chapter or filing  
12 application for a certificate of authority by a foreign corporation,  
13 there shall be paid to the secretary of state ((~~the sum of twenty-five~~  
14 ~~dollars and for filing of an amendment the sum of twenty dollars~~)) fees  
15 established by the secretary of state by rule. Fees for filing other  
16 documents with the secretary of state and issuing certificates shall be  
17 as prescribed in RCW 23B.01.220. Associations subject to this chapter  
18 shall not be subject to any corporation license fees excepting the fees  
19 hereinabove enumerated.

1       **Sec. 2.** RCW 23B.01.220 and 1992 c 107 s 7 are each amended to read  
2 as follows:

3       (1) The secretary of state shall collect in accordance with the  
4 provisions of this title:

5       (a) Fees for filing documents and issuing certificates;

6       (b) Miscellaneous charges;

7       (c) License fees as provided in RCW 23B.01.500 through 23B.01.550;

8       (d) Penalty fees; and

9       (e) Other fees as the secretary of state may establish by rule  
10 adopted under chapter 34.05 RCW.

11       (2) The secretary of state shall collect ~~((the following))~~ fees  
12 established by the secretary of state by rule when the following  
13 documents described in this subsection are delivered for filing:

14       (a) ~~((One hundred seventy five dollars, pursuant to RCW 23B.01.520  
15 and 23B.01.540, for:~~

16       ~~(i))~~ Articles of incorporation; ~~((and~~

17       ~~(ii))~~ (b) Application for certificate of authority;

18       ~~((b) Fifty dollars for an))~~ (c) Application for reinstatement;

19       ~~((c) Twenty five dollars for:~~

20       ~~(i))~~ (d) Articles of correction;

21       ~~((ii))~~ (e) Amendment of articles of incorporation;

22       ~~((iii))~~ (f) Restatement of articles of incorporation, with or  
23 without amendment;

24       ~~((iv))~~ (g) Articles of merger or share exchange;

25       ~~((v))~~ (h) Articles of revocation of dissolution; ~~((and~~

26       ~~(vi))~~ (i) Application for amended certificate of authority;

27       ~~((d) Twenty dollars for an))~~ (j) Application for reservation,  
28 registration, or assignment of reserved name;

29       ~~((e) Ten dollars for:~~

30       ~~(i))~~ (k) Corporation's statement of change of registered agent or  
31 registered office, or both, except where this information is provided  
32 in conjunction with and on an initial report or an annual report form  
33 filed under RCW 23B.01.530, 23B.01.550, 23B.02.050, or 23B.16.220;

34       ~~((ii))~~ (l) Agent's resignation, or statement of change of  
35 registered office, or both, for each affected corporation;

36       ~~((iii))~~ (m) Initial report; and

37       ~~((iv))~~ (n) Any document not listed in this subsection that is  
38 required or permitted to be filed under this title~~((r))~~.

1       (~~(f)~~ No fee)) (3) The secretary of state shall not collect fees  
2 for:

3       (~~(i)~~) (a) Agent's consent to act as agent;

4       (~~(ii)~~) (b) Agent's resignation, if appointed without consent;

5       (~~(iii)~~) (c) Articles of dissolution;

6       (~~(iv)~~) (d) Certificate of judicial dissolution;

7       (~~(v)~~) (e) Application for certificate of withdrawal; and

8       (~~(vi)~~) (f) Annual report when filed concurrently with the payment  
9 of annual license fees.

10       (~~(3)~~) (4) The secretary of state shall collect a fee (~~of twenty-~~  
11 five dollars) in an amount established by the secretary of state by  
12 rule per defendant served, upon being served process under this title.  
13 The party to a proceeding causing service of process is entitled to  
14 recover this fee as costs if such party prevails in the proceeding.

15       (~~(4)~~) (5) The secretary of state shall establish by rule and  
16 collect a fee from every person or organization:

17       (a) For furnishing a certified copy of any document, instrument, or  
18 paper relating to a corporation(~~, ten dollars for the certificate,~~  
19 ~~plus twenty cents for each page copied));~~

20       (b) For furnishing a certificate, under seal, attesting to the  
21 existence of a corporation, or any other certificate(~~, ten dollars));~~  
22 and

23       (c) For furnishing copies of any document, instrument, or paper  
24 relating to a corporation, other than of an initial report or an annual  
25 report(~~, one dollar for the first page and twenty cents for each page~~  
26 ~~copied thereafter. The fee for furnishing a copy of the most recent~~  
27 ~~annual report of a corporation (or of the initial report if no annual~~  
28 ~~report has been filed) is one dollar, and the fee for furnishing a copy~~  
29 ~~of any other annual report of a corporation is five dollars)).~~

30       (~~(5)~~) (6) For annual license fees for domestic and foreign  
31 corporations, see RCW 23B.01.500, 23B.01.510, 23B.01.530, and  
32 23B.01.550. For penalties for nonpayment of annual license fees and  
33 failure to complete annual report, see RCW 23B.01.570.

34       **Sec. 3.** RCW 23B.01.530 and 1989 c 165 s 19 are each amended to  
35 read as follows:

36       For the privilege of doing business, every corporation organized  
37 under the laws of this state, except the corporations for which  
38 existing law provides a different fee schedule, shall make and file a

1 statement in the form prescribed by the secretary of state and shall  
2 pay an annual license fee each year following incorporation, on or  
3 before the expiration date of its corporate license, to the secretary  
4 of state. The secretary of state shall ~~((collect an annual license fee  
5 of fifty dollars))~~ establish the annual license fee by rule.

6 **Sec. 4.** RCW 23B.01.560 and 1989 c 165 s 22 are each amended to  
7 read as follows:

8 (1) A corporation seeking reinstatement shall pay the full amount  
9 of all annual corporation license fees which would have been assessed  
10 for the license years of the period of administrative dissolution had  
11 the corporation been in active status, plus a surcharge ~~((of twenty-  
12 five percent))~~ established by the secretary of state by rule, and the  
13 license fee for the year of reinstatement.

14 (2) The penalties herein established shall be in lieu of any other  
15 penalties or interest which could have been assessed by the secretary  
16 of state under the corporation laws or which, under those laws, would  
17 have accrued during any period of delinquency, dissolution, or  
18 expiration of corporate duration.

19 **Sec. 5.** RCW 24.03.405 and 1991 c 223 s 1 are each amended to read  
20 as follows:

21 The secretary of state shall ~~((charge))~~ establish fees by rule and  
22 collect for:

23 (1) Filing articles of incorporation or an application for  
24 reinstatement under RCW 24.03.386~~((, thirty dollars))~~.

25 (2) Filing articles of amendment or restatement or an amendment or  
26 supplement to an application for reinstatement~~((, twenty dollars))~~.

27 (3) Filing articles of merger or consolidation~~((, twenty dollars))~~.

28 (4) Filing a statement of change of address of registered office or  
29 change of registered agent, or revocation, resignation, or any  
30 combination of these~~((, ten dollars))~~. A separate fee for filing such  
31 statement shall not be charged if the statement appears in an amendment  
32 to articles of incorporation or in conjunction with the filing of the  
33 annual report.

34 (5) Filing articles of dissolution, no fee.

35 (6) Filing an application of a foreign corporation for a  
36 certificate of authority to conduct affairs in this state~~((, thirty  
37 dollars))~~.

1 (7) Filing an application of a foreign corporation for an amended  
2 certificate of authority to conduct affairs in this state(~~(, twenty~~  
3 ~~dollars)~~)).

4 (8) Filing an application for withdrawal of a foreign corporation  
5 and issuing a certificate of withdrawal, no fee.

6 (9) Filing a certificate by a foreign corporation of the  
7 appointment of a registered agent(~~(, ten dollars)~~). A separate fee for  
8 filing such certificate shall not be charged if the statement appears  
9 in conjunction with the filing of the annual report.

10 (10) Filing a certificate of election adopting the provisions of  
11 chapter 24.03 RCW(~~(, twenty dollars)~~)).

12 (11) Filing an application to reserve a corporate name(~~(, twenty~~  
13 ~~dollars)~~)).

14 (12) Filing a notice of transfer of a reserved corporate name(~~(,~~   
15 ~~twenty dollars)~~)).

16 (13) Filing a name registration(~~(, twenty dollars per year, or part~~  
17 ~~thereof)~~)).

18 (14) Filing an annual report of a domestic or foreign  
19 corporation(~~(, ten dollars)~~)).

20 (15) Filing any other statement or report authorized for filing  
21 under this chapter(~~(, ten dollars)~~)).

22 **Sec. 6.** RCW 24.03.410 and 1982 c 35 s 111 are each amended to read  
23 as follows:

24 The secretary of state shall ~~((charge))~~ establish fees by rule and  
25 collect:

26 (1) For furnishing a certified copy of any charter document or any  
27 other document, instrument, or paper relating to a corporation(~~(, five~~  
28 ~~dollars for the certificate, plus twenty cents for each page copied)~~)).

29 (2) For furnishing a certificate, under seal, attesting to the  
30 status of a corporation(~~(, )~~) or any other certificate(~~(, five~~  
31 ~~dollars)~~)).

32 (3) For furnishing copies of any document, instrument or paper  
33 relating to a corporation(~~(, one dollar for the first page and twenty~~  
34 ~~cents for each page copied thereafter)~~)).

35 (4) At the time of any service of process on him or her as  
36 registered agent of a corporation(~~(, twenty-five dollars, which)~~) an  
37 amount that may be recovered as taxable costs by the party to the suit

1 or action causing such service to be made if such party prevails in the  
2 suit or action.

3 **Sec. 7.** RCW 24.06.450 and 1991 c 223 s 2 are each amended to read  
4 as follows:

5 The secretary of state shall (~~charge~~) establish fees by rule and  
6 collect for:

7 (1) Filing articles of incorporation(~~(, thirty dollars)~~).

8 (2) Filing articles of amendment or restatement(~~(, twenty~~  
9 ~~dollars)~~).

10 (3) Filing articles of merger or consolidation(~~(, twenty dollars)~~).

11 (4) Filing a statement of change of address of registered office or  
12 change of registered agent, or revocation, resignation, or any  
13 combination of these(~~(, ten dollars)~~). A separate fee for filing such  
14 statement shall not be charged if the statement appears in an amendment  
15 to the articles of incorporation or in conjunction with the annual  
16 report.

17 (5) Filing articles of dissolution, no fee.

18 (6) Filing an application of a foreign corporation for a  
19 certificate of authority to conduct affairs in this state(~~(, thirty~~  
20 ~~dollars)~~).

21 (7) Filing an application of a foreign corporation for an amended  
22 certificate of authority to conduct affairs in this state(~~(, twenty~~  
23 ~~dollars)~~).

24 (8) Filing a copy of an amendment to the articles of incorporation  
25 of a foreign corporation holding a certificate of authority to conduct  
26 affairs in this state(~~(, twenty dollars)~~).

27 (9) Filing a copy of articles of merger of a foreign corporation  
28 holding a certificate of authority to conduct affairs in this state(~~(,~~  
29 ~~twenty dollars)~~).

30 (10) Filing an application for withdrawal of a foreign corporation  
31 and issuing a certificate of withdrawal, no fee.

32 (11) Filing a certificate by a foreign corporation of the  
33 appointment of a registered agent(~~(, ten dollars)~~). A separate fee for  
34 filing such certificate shall not be charged if the statement appears  
35 in an amendment to the articles of incorporation or in conjunction with  
36 the annual report.

37 (12) Filing a certificate by a foreign corporation of the  
38 revocation of the appointment of a registered agent(~~(, ten dollars)~~).

1 A separate fee for filing such certificate shall not be charged if the  
2 statement appears in an amendment to the articles of incorporation or  
3 in conjunction with the annual report.

4 (13) Filing an application to reserve a corporate name(~~(twenty~~  
5 ~~dollars~~)).

6 (14) Filing a notice of transfer of a reserved corporate name(~~(twenty~~  
7 ~~dollars~~)).

8 (15) Filing any other statement or report, including an annual  
9 report, of a domestic or foreign corporation(~~(ten~~ ~~dollars~~)).

10 **Sec. 8.** RCW 24.06.520 and 1982 c 35 s 162 are each amended to read  
11 as follows:

12 If the term of existence of a corporation which was organized under  
13 this chapter, or which has availed itself of the privileges thereby  
14 provided expires, such corporation shall have the right to renew within  
15 two years of the expiration of its term of existence. The corporation  
16 may renew the term of its existence for a definite period or  
17 perpetually and be reinstated under any name not then in use by or  
18 reserved for a domestic corporation organized under any act of this  
19 state or a foreign corporation authorized under any act of this state  
20 to transact business or conduct affairs in this state. To do so the  
21 directors, members and officers shall adopt amended articles of  
22 incorporation containing a certification that the purpose thereof is a  
23 reinstatement and renewal of the corporate existence. They shall  
24 proceed in accordance with the provisions of this chapter for the  
25 adoption and filing of amendments to articles of incorporation.  
26 Thereupon such corporation shall be reinstated and its corporate  
27 existence renewed as of the date on which its previous term of  
28 existence expired and all things done or omitted by it or by its  
29 officers, directors, agents and members before such reinstatement shall  
30 be as valid and have the same legal effect as if its previous term of  
31 existence had not expired.

32 A corporation reinstating under this section shall pay to the state  
33 all fees and penalties which would have been due if the corporate  
34 charter had not expired, plus a reinstatement fee (~~(of twenty five~~  
35 ~~dollars~~)) established by the secretary of state by rule.

36 **Sec. 9.** RCW 24.20.020 and 1982 c 35 s 165 are each amended to read  
37 as follows:

1       The secretary of state shall file such articles of incorporation in  
2       (~~(his)~~) the secretary of state's office and issue a certificate of  
3       incorporation to any such lodge or other society upon the payment of  
4       (~~the sum of twenty dollars~~) a fee established by the secretary of  
5       state by rule.

6       **Sec. 10.** RCW 24.24.010 and 1982 c 35 s 166 are each amended to  
7       read as follows:

8       Any ten or more residents of this state who are members of any  
9       chartered body or of different chartered bodies of any fraternal order  
10      or society who shall desire to incorporate for the purpose of owning  
11      real or personal property or both real and personal property for the  
12      purpose and for the benefit of such bodies, may make and execute  
13      articles of incorporation, which shall be executed in duplicate, and  
14      shall be subscribed by each of the persons so associating themselves  
15      together: PROVIDED, That no lodge shall be incorporated contrary to  
16      the provisions of the laws and regulations of the order or society of  
17      which it is a constituent part. Such articles, at the election of the  
18      incorporators, may either provide for the issuing of capital stock or  
19      for incorporation as a society of corporation without shares of stock.  
20      One of such articles shall be filed in the office of the secretary of  
21      state, accompanied by a filing fee (~~of twenty dollars~~) established by  
22      the secretary of state by rule, and the other of such articles shall be  
23      preserved in the records of the corporation.

24      **Sec. 11.** RCW 24.24.100 and 1982 c 35 s 167 are each amended to  
25      read as follows:

26      The secretary of state shall file such articles of incorporation or  
27      amendment thereto in (~~(his)~~) the secretary of state's office and issue  
28      a certificate of incorporation or amendment, as the case may be, to  
29      such fraternal association upon the payment of a fee (~~in the sum of~~  
30      ~~twenty dollars~~) established by the secretary of state by rule.

31      **Sec. 12.** RCW 31.12.085 and 1984 c 31 s 10 are each amended to read  
32      as follows:

33      (1) Upon the approval of the supervisor under RCW 31.12.075(2), the  
34      applicants shall file a copy of the articles of incorporation with the  
35      secretary of state. Upon receipt of the approved articles of  
36      incorporation and a (~~five dollar~~) filing fee established by the



1 secretary of state by rule to be provided by the applicants, the  
2 secretary of state shall file and record the articles of incorporation.  
3 The applicants shall in writing promptly notify the supervisor of the  
4 exact date of the filing.

5 (2) Upon the filing and recording of the approved articles of  
6 incorporation with the secretary of state, the persons named in the  
7 articles of incorporation and their successors may operate as a credit  
8 union, which shall have the powers and be subject to the duties and  
9 obligations of this chapter. A credit union shall not conduct business  
10 until the articles have been recorded by the secretary of state.

11 (3) A credit union shall organize and begin business within six  
12 months of the date that its articles of incorporation are filed and  
13 recorded with the secretary of state or its charter shall become void,  
14 unless the supervisor for cause grants an extension of the six-month  
15 period. The supervisor shall not grant a single extension exceeding  
16 three months, but may grant as many extensions to a credit union as  
17 circumstances require.

18 **Sec. 13.** RCW 33.28.010 and 1981 c 302 s 33 are each amended to  
19 read as follows:

20 The secretary of state shall collect fees in advance (~~the~~  
21 ~~following fees from each association:~~) for filing articles of  
22 incorporation, or amendments thereof, or other certificates required to  
23 be filed in his or her office(~~(, ten dollars:)~~) and for furnishing  
24 copies of papers filed in his or her office(~~(, per folio, twenty~~  
25 ~~cents)~~). The secretary of state shall establish fees by rule.

26 Every association shall also pay to the secretary of state, for  
27 filing any instrument with him or her, the same fees as are required of  
28 general corporations for filing similar papers.

29 NEW SECTION. **Sec. 14.** A new section is added to chapter 43.07 RCW  
30 to read as follows:

31 The secretary of state may adopt rules under chapter 34.05 RCW  
32 establishing reasonable fees for the following services rendered under  
33 chapter 11.110 or 19.09 RCW:

- 34 (1) Any service rendered in-person at the secretary of state's  
35 office;  
36 (2) Any expedited service;  
37 (3) The electronic transmittal of documents;

1 (4) The providing of information by microfiche or other reduced-  
2 format compilation;

3 (5) The handling of checks or drafts for which sufficient funds are  
4 not on deposit;

5 (6) The resubmission of documents previously submitted to the  
6 secretary of state where the documents have been returned to the  
7 submittor to make such documents conform to the requirements of the  
8 applicable statute;

9 (7) The handling of telephone requests for information; and

10 (8) Special search charges.

11 **Sec. 15.** RCW 43.07.120 and 1991 c 72 ú 53 are each amended to read  
12 as follows:

13 (1) The secretary of state shall establish by rule and collect the  
14 fees (~~herein prescribed for the secretary of state's official~~  
15 ~~services~~) in this subsection:

16 (a) For a copy of any law, resolution, record, or other document or  
17 paper on file in the secretary's office (~~for which no other fee is~~  
18 ~~provided, fifty cents per page for the first ten pages and twenty five~~  
19 ~~cents per page for each additional page~~);

20 (b) For any certificate under seal(~~five dollars~~);

21 (c) For filing and recording trademark(~~fifty dollars~~);

22 (d) For each deed or patent of land issued by the governor(~~if~~  
23 ~~for one hundred and sixty acres of land, or less, one dollar, and for~~  
24 ~~each additional one hundred and sixty acres, or fraction thereof, one~~  
25 ~~dollar~~);

26 (e) For recording miscellaneous records, papers, or other  
27 documents(~~five dollars for filing each case~~).

28 (2) The secretary of state may adopt rules under chapter 34.05 RCW  
29 establishing reasonable fees for the following services rendered under  
30 Title 23B RCW, chapter 18.100, 23.86, 23.90, 24.03, 24.06, 24.12,  
31 24.20, 24.24, 24.28, 24.36, or 25.10 RCW:

32 (a) Any service rendered in-person at the secretary of state's  
33 office;

34 (b) Any expedited service;

35 (c) The electronic or facsimile transmittal of information from  
36 corporation records or copies of documents;

37 (d) The providing of information by (~~microfiche~~) micrographic or  
38 other reduced-format compilation;

1 (e) The handling of checks ((or)), drafts, or credit or debit cards  
2 upon adoption of rules authorizing their use for which sufficient funds  
3 are not on deposit; and

4 (f) ~~((The resubmission of documents previously submitted to the~~  
5 ~~secretary of state where the documents have been returned to the~~  
6 ~~submitter to make such documents conform to the requirements of the~~  
7 ~~applicable statute;~~

8 (g) ~~The handling of telephone requests for information; and~~

9 (h)) Special search charges.

10 (3) To facilitate the collection of fees, the secretary of state  
11 may establish accounts for deposits by persons who may frequently be  
12 assessed such fees to pay the fees as they are assessed. The secretary  
13 of state may make whatever arrangements with those persons as may be  
14 necessary to carry out this section.

15 (4) The secretary of state may adopt rules for the use of credit or  
16 debit cards for payment of fees.

17 (5) No member of the legislature, state officer, justice of the  
18 supreme court, judge of the court of appeals, or judge of the superior  
19 court shall be charged for any search relative to matters pertaining to  
20 the duties of his or her office; nor may such official be charged for  
21 a certified copy of any law or resolution passed by the legislature  
22 relative to his or her official duties, if such law has not been  
23 published as a state law.

24 **Sec. 16.** RCW 43.07.130 and 1991 c 72 s 54 are each amended to read  
25 as follows:

26 There is created within the state treasury a revolving fund, to be  
27 known as the "secretary of state's revolving fund((~~7~~))." ~~((which shall~~  
28 ~~be used by the office of the secretary of state to defray the costs of~~  
29 ~~printing, reprinting, or distributing printed matter authorized by law~~  
30 ~~to be issued by the office of the secretary of state, and any other~~  
31 ~~cost of carrying out the functions of the secretary of state under~~  
32 ~~Title 23B RCW, or chapters 18.100, 23.86, 23.90, 24.03, 24.06, 24.12,~~  
33 ~~24.20, 24.24, 24.28, 24.36, or 25.10 RCW.~~

34 ~~The secretary of state is hereby authorized to charge a fee for~~  
35 ~~such publications in an amount which will compensate for the costs of~~  
36 ~~printing, reprinting, and distributing such printed matter.))~~

37 (1) Fees ~~((recovered))~~ received by the secretary of state under RCW  
38 43.07.120(2), 23B.01.220(1)(e), ~~((3))~~ (4), and ~~((4))~~ (5),

1 23B.18.050, 24.03.410, 24.06.455, or 46.64.040(~~(, and such other moneys~~  
2 ~~as are expressly designated for deposit in the secretary of state's~~  
3 ~~revolving fund)) shall be ((placed)) deposited in the secretary of  
4 state's revolving fund to be used by the office of the secretary of  
5 state for the administration of these statutes and enhancement of  
6 related services.~~

7 (2) Fees received by the secretary of state under chapters 11.110  
8 and 19.09 RCW shall be deposited in the secretary of state's revolving  
9 fund to be used by the office of the secretary of state to defray the  
10 cost of administering these chapters.

11 **Sec. 17.** RCW 46.64.040 and 1982 c 35 s 197 are each amended to  
12 read as follows:

13 The acceptance by a nonresident of the rights and privileges  
14 conferred by law in the use of the public highways of this state, as  
15 evidenced by his or her operation of a vehicle thereon, or the  
16 operation thereon of his or her vehicle with his or her consent,  
17 express or implied, shall be deemed equivalent to and construed to be  
18 an appointment by such nonresident of the secretary of state of the  
19 state of Washington to be his or her true and lawful attorney upon whom  
20 may be served all lawful summons and processes against him or her  
21 growing out of any accident, collision, or liability in which such  
22 nonresident may be involved while operating a vehicle upon the public  
23 highways, or while his or her vehicle is being operated thereon with  
24 his or her consent, express or implied, and such operation and  
25 acceptance shall be a signification of ((his)) the nonresident's  
26 agreement that any summons or process against him or her which is so  
27 served shall be of the same legal force and validity as if served on  
28 ((him)) the nonresident personally within the state of Washington.  
29 Likewise each resident of this state who, while operating a motor  
30 vehicle on the public highways of this state, is involved in any  
31 accident, collision or liability and thereafter within three years  
32 departs from this state appoints the secretary of state of the state of  
33 Washington as his or her lawful attorney for service of summons as  
34 provided in this section for nonresidents. Service of such summons or  
35 process shall be made by leaving two copies thereof with a fee ((of  
36 ~~twenty-five dollars~~)) established by the secretary of state by rule  
37 with the secretary of state of the state of Washington, or at ((his))  
38 the secretary of state's office, and such service shall be sufficient

1 and valid personal service upon said resident or nonresident:  
2 PROVIDED, That notice of such service and a copy of the summons or  
3 process is forthwith sent by registered mail with return receipt  
4 requested, by plaintiff to the defendant at the last known address of  
5 the said defendant, and the plaintiff's affidavit of compliance  
6 herewith are appended to the process, together with the affidavit of  
7 the plaintiff's attorney that ((he)) the attorney has with due  
8 diligence attempted to serve personal process upon the defendant at all  
9 addresses known to him or her of defendant and further listing in his  
10 or her affidavit the addresses at which he or she attempted to have  
11 process served. However, if process is forwarded by registered mail  
12 and defendant's endorsed receipt is received and entered as a part of  
13 the return of process then the foregoing affidavit of plaintiff's  
14 attorney need only show that the defendant received personal delivery  
15 by mail: PROVIDED FURTHER, That personal service outside of this state  
16 in accordance with the provisions of law relating to personal service  
17 of summons outside of this state shall relieve the plaintiff from  
18 mailing a copy of the summons or process by registered mail as  
19 hereinbefore provided. The secretary of state shall forthwith send one  
20 of such copies by mail, postage prepaid, addressed to the defendant at  
21 ((his)) the defendant's address, if known to the secretary of state.  
22 The court in which the action is brought may order such continuances as  
23 may be necessary to afford the defendant reasonable opportunity to  
24 defend the action. The fee ((of twenty-five dollars)) paid by the  
25 plaintiff to the secretary of state shall be taxed as part of his or  
26 her costs if he or she prevails in the action. The secretary of state  
27 shall keep a record of all such summons and processes, which shall show  
28 the day of service.

29 NEW SECTION. **Sec. 18.** This act is necessary for the immediate  
30 preservation of the public peace, health, or safety, or support of the  
31 state government and its existing public institutions, and shall take  
32 effect July 1, 1993.

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