

2 **SSB 5167** - H COMM AMD **ADOPTED 2-29-96**
3 By Committee on Law & Justice

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5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 4.28.080 and 1991 sp.s. c 30 s 28 are each amended to
8 read as follows:

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

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

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

19 (3) If against a school or fire district, to the superintendent or
20 commissioner thereof or by leaving the same in his or her office with
21 an assistant superintendent, deputy commissioner, or business manager
22 during normal business hours.

23 (4) If against a railroad corporation, to any station, freight,
24 ticket or other agent thereof within this state.

25 (5) If against a corporation owning or operating sleeping cars, or
26 hotel cars, to any person having charge of any of its cars or any agent
27 found within the state.

28 (6) If against a domestic insurance company, to any agent
29 authorized by such company to solicit insurance within this state.

30 (7) If against a foreign or alien insurance company, as provided in
31 chapter 48.05 RCW.

32 (8) If against a company or corporation doing any express business,
33 to any agent authorized by said company or corporation to receive and
34 deliver express matters and collect pay therefor within this state.

35 (9) If the suit be against a company or corporation other than
36 those designated in the preceding subdivisions of this section, to the

1 president or other head of the company or corporation, the registered
2 agent, secretary, cashier or managing agent thereof or to the
3 secretary, stenographer or office assistant of the president or other
4 head of the company or corporation, registered agent, secretary,
5 cashier or managing agent.

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

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

14 (12) If against any person for whom a guardian has been appointed
15 for any cause, then to such guardian.

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

20 (14) If against a self-insurance program regulated by chapter 48.62
21 RCW, as provided in chapter 48.62 RCW.

22 (15) If against a marital community, to either spouse personally,
23 or by leaving a copy of the summons at the house of the spouse's usual
24 abode with some person of suitable age and discretion then resident
25 therein. If the spouses do not reside together, each spouse must be
26 served separately, as for personal service on an individual. If the
27 action involves the separate property of a spouse, that spouse must be
28 served as for personal service on an individual.

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

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

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

1 (a) By leaving a copy at his or her usual mailing address other
2 than a United States postal service post office box with a person of
3 suitable age and discretion then resident therein or, if the address is
4 a place of business, with the secretary, office manager, vice-
5 president, president, or other head of the company, or with the
6 secretary or office assistant to such secretary, office manager, vice-
7 president, president, or other head of the company, and by thereafter
8 mailing a copy by first class mail, postage prepaid, to the person to
9 be served at his or her usual mailing address other than a United
10 States postal service post office box; or

11 (b) By leaving a copy at his or her place of employment, during
12 usual business hours, with the secretary, office manager, vice-
13 president, president, or other head of the company, or with the
14 secretary or office assistant to such secretary, office manager, vice-
15 president, president, or other head of the company, and by thereafter
16 mailing a copy by first class mail, postage prepaid, to the person to
17 be served at his or her place of employment."

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