

CERTIFICATION OF ENROLLMENT
SUBSTITUTE SENATE BILL 5167

Chapter 223, Laws of 1996

54th Legislature
1996 Regular Session

SERVICE OF PROCESS--REVISIONS

EFFECTIVE DATE: 6/6/96

Passed by the Senate March 4, 1996
YEAS 46 NAYS 1

JOEL PRITCHARD

President of the Senate

Passed by the House February 29, 1996
YEAS 96 NAYS 0

CLYDE BALLARD

**Speaker of the
House of Representatives**

Approved March 28, 1996

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5167** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MARTY BROWN

Secretary

FILED

March 28, 1996 - 4:58 p.m.

MIKE LOWRY

Governor of the State of Washington

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5167

AS AMENDED BY THE HOUSE

Passed Legislature - 1996 Regular Session

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.

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

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

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

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

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

11 (9) If the suit be against a company or corporation other than
12 those designated in the preceding subdivisions of this section, to the
13 president or other head of the company or corporation, the registered
14 agent, secretary, cashier or managing agent thereof or to the
15 secretary, stenographer or office assistant of the president or other
16 head of the company or corporation, registered agent, secretary,
17 cashier or managing agent.

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

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

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

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

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

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

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

1 (16) In lieu of service under subsection (15) of this section,
2 where the person cannot with reasonable diligence be served as
3 described, the summons may be served as provided in this subsection,
4 and shall be deemed complete on the tenth day after the required
5 mailing:

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

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

Passed the Senate March 4, 1996.

Passed the House February 29, 1996.

Approved by the Governor March 28, 1996.

Filed in Office of Secretary of State March 28, 1996.