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## Judiciary Committee

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### HB 1671

**Title:** An act relating to allowing attorneys to recover actual costs for service of process.

**Brief Description:** Allowing attorneys to recover actual costs for service of process.

**Sponsors:** Representatives Kirby, Campbell, Williams and Wood.

Brief Summary of Bill
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| <ul style="list-style-type: none"><li>Allows a prevailing party in a civil suit to recover service of process fees that are actually charged and incurred (as opposed to "reasonably incurred") when the party uses a process server other than a public officer.</li></ul> |
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**Hearing Date:** 2/16/05

**Staff:** Trudes Tango Hutcheson (786-7384).

**Background:**

The prevailing party in a civil action is entitled to recover certain expenses associated with the lawsuit, including costs for service of process.

Process may be served by: (a) the sheriff; (b) process servers who are registered with the county auditor and charge fees for their services; (c) an attorney or the attorney's agent or employee; (d) a person appointed by the court to serve the court's process; or (e) persons who do not receive a fee or wage for serving process.

If the process server is a public officer, the recoverable cost is the amount the public officer is allowed to charge by statute. If the process server is a registered process server or other person authorized to serve process, the recoverable cost is an amount *reasonably* incurred.

**Summary of Bill:**

The recoverable cost for service of process by a process server other than a public officer is the amount *actually* charged and incurred, as opposed to an amount *reasonably* incurred.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.