

HOUSE BILL REPORT

SB 6059

As Passed House:

April 4, 2007

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: By Senators Carrell, Kline and Roach.

Brief History:

Committee Activity:

Judiciary: 3/28/07, 3/30/07 [DP].

Floor Activity:

Passed House: 4/4/07, 95-0.

Brief Summary of Bill

- Allows the prevailing party in a civil suit to recover service of process fees that are actually charged and incurred.
- Allows registered and exempt process servers to charge the actual amount if the fee is \$100 or less and a reasonable amount if the fee is more than \$100.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 11 members: Representatives Lantz, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern, Flannigan, Kirby, Moeller, Pedersen, Ross and Williams.

Staff: Trudes Tango (786-7384).

Background:

The prevailing party in a civil suit is entitled to recover certain costs associated with the lawsuit, including service of process fees. Service of process can be made by a public officer, registered process server, or other means. If service is done by a registered process server or a

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person exempt from registration, the recoverable cost is the amount reasonably incurred in effecting service.

A person who serves legal process for a fee must be registered with the county auditor. Persons exempt from the registration requirement are: (a) sheriffs and other government employees acting in the course of employment; (b) attorneys or the attorney's employees, who are not serving process on a fee basis; (c) persons who are court appointed to serve the court's process; (d) employees of a registered server; and (e) persons who do not receive a fee or wage for serving process.

Summary of Bill:

The recoverable cost for service of process by a registered or exempt process server is the amount actually charged and incurred.

A registered process server or a process server who is exempt from registration may charge and collect the following fees for service: (a) the actual amount, if the fee is not more than \$100; or (b) a reasonable amount, if the fee is more than \$100.

Appropriation: None.

Fiscal Note: Not requested.

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

Staff Summary of Public Testimony:

(In support) There is currently no law addressing how much process servers may charge or how process servers calculate their fees. Some courts are imposing the sheriff's fee statute to process servers. Some courts are requiring process servers to calculate mileage in such a way that it is unworkable. The average process server fee is \$35 to \$65, depending on the number of trips required. This bill provides a statewide standard for process server fees.

(Opposed) None.

Persons Testifying: Senator Carrell, prime sponsor; and Ron Belec, Washington State Process Servers Association.

Persons Signed In To Testify But Not Testifying: None.