

SENATE BILL REPORT

SB 6943

As of February 11, 2008

Title: An act relating to process servers.

Brief Description: Concerning process servers.

Sponsors: Senators McDermott, Kline and Schoesler.

Brief History:

Committee Activity: Ways & Means: 2/12/08.

SENATE COMMITTEE ON WAYS & MEANS

Staff: Steve Jones & Robert Kay (786-7405)

Background: At present, persons serving legal process for a fee in Washington must register at the office of the county auditor in the county in which the process server resides or in which the person serving legal process operates his or her principal place of business. There is no express statutory requirement that persons registered as process servers who are serving process in this state be residents of Washington. The registration requirement does not apply to:

- a sheriff, deputy sheriff, marshal, constable, or government employee who is acting in the course of employment;
- an attorney or the attorney's employee, who is not serving process on a fee basis;
- a person who is court appointed to serve the court's process;
- an employee of a registered process server;
- a person who does not receive a fee or wage for serving process.

The federal Driver's Privacy Protection Act limits who may obtain addresses associated with names or vehicle license plate numbers in government databases. Process servers are allowed under the federal law to obtain this information. Under state law a business entity is allowed to obtain this information from the Department of Licensing (DOL) for use in the course of its business, but first must specify in writing the purpose for which the information will be used. The business entity must also enter into a disclosure agreement with the DOL in which the entity is required to promise that it will use the information only for the purpose stated and that it will not use it for the purpose of making unsolicited business contacts. DOL considers registered process servers to be business entities.

Under state law, where both a mailing address and residential addresses are listed in a vehicle record, only the mailing address is to be disclosed, except in response to requests from courts,

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law enforcement agencies or other government entities with enforcement, investigative, or taxing authority, and only for use in the normal course of government business.

By existing statute, DOL is required to maintain a file of all negatives of photos taken by the department as authorized by other statutes. The public is not allowed to have access to these negatives. However, DOL may make the file of negatives available to: (1) official government agencies to assist in investigating by the agencies of suspected criminal activity; (2) the office of the Secretary of State, to assist in maintenance of the statewide voter registration database; and (3) the next of kin of a deceased driver.

Summary of Bill: A person who serves legal process for a fee or wage in the state of Washington must be a resident of the state of Washington.

DOL may release to process servers both the mailing and residence addresses when both are included in a vehicle record which it is allowed to review under state law.

This is identical to the recommended substitute SB 6824 considered by the Senate Judiciary Committee.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.