

CERTIFICATION OF ENROLLMENT

SENATE BILL 6059

Chapter 121, Laws of 2007

60th Legislature
2007 Regular Session

SERVICE OF PROCESS--RECOVERY OF COSTS

EFFECTIVE DATE: 07/22/07

Passed by the Senate March 14, 2007
YEAS 49 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House April 4, 2007
YEAS 95 NAYS 0

FRANK CHOPP

Speaker of the House of Representatives

Approved April 18, 2007, 11:34 a.m.

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 6059** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

April 18, 2007

CHRISTINE GREGOIRE

Governor of the State of Washington

**Secretary of State
State of Washington**

SENATE BILL 6059

Passed Legislature - 2007 Regular Session

State of Washington 60th Legislature 2007 Regular Session

By Senators Carrell, Kline and Roach

Read first time 02/16/2007. Referred to Committee on Judiciary.

1 AN ACT Relating to allowing attorneys to recover actual costs for
2 service of process; amending RCW 4.84.010; and adding a new section to
3 chapter 18.180 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 4.84.010 and 1993 c 48 s 1 are each amended to read as
6 follows:

7 The measure and mode of compensation of attorneys and counselors,
8 shall be left to the agreement, expressed or implied, of the parties,
9 but there shall be allowed to the prevailing party upon the judgment
10 certain sums by way of indemnity for the prevailing party's expenses in
11 the action, which allowances are termed costs, including, in addition
12 to costs otherwise authorized by law, the following expenses:

13 (1) Filing fees;

14 (2) Fees for the service of process by a public officer, registered
15 process server, or other means, as follows:

16 (a) When service is by a public officer, the recoverable cost is
17 the fee authorized by law at the time of service.

18 (b) If service is by a process server registered pursuant to

1 chapter 18.180 RCW or a person exempt from registration, the
2 recoverable cost is the amount (~~reasonably~~) actually charged and
3 incurred in effecting service;

4 (3) Fees for service by publication;

5 (4) Notary fees, but only to the extent the fees are for services
6 that are expressly required by law and only to the extent they
7 represent actual costs incurred by the prevailing party;

8 (5) Reasonable expenses, exclusive of attorneys' fees, incurred in
9 obtaining reports and records, which are admitted into evidence at
10 trial or in mandatory arbitration in superior or district court,
11 including but not limited to medical records, tax records, personnel
12 records, insurance reports, employment and wage records, police
13 reports, school records, bank records, and legal files;

14 (6) Statutory attorney and witness fees; and

15 (7) To the extent that the court or arbitrator finds that it was
16 necessary to achieve the successful result, the reasonable expense of
17 the transcription of depositions used at trial or at the mandatory
18 arbitration hearing: PROVIDED, That the expenses of depositions shall
19 be allowed on a pro rata basis for those portions of the depositions
20 introduced into evidence or used for purposes of impeachment.

21 NEW SECTION. Sec. 2. A new section is added to chapter 18.180 RCW
22 to read as follows:

23 (1) A process server required to register under RCW 18.180.010(1)
24 or exempt from registration under RCW 18.180.010(2) (a), (c), or (d)
25 shall be allowed to charge and collect the following fees in civil
26 actions, suits, and proceedings for each service assignment delivered
27 to the process server for service:

28 (a) If the fee is not greater than one hundred dollars, then the
29 actual amount charged to a party for service;

30 (b) If the fee is greater than one hundred dollars, then a
31 reasonable amount charged to a party for service.

32 (2) Any fees allowable under this section, and actually charged by
33 a process server, shall be a reasonable cost awarded to, and
34 recoverable by, the party incurring same if that party prevails in an
35 action.

Passed by the Senate March 14, 2007.

Passed by the House April 4, 2007.

Approved by the Governor April 18, 2007.

Filed in Office of Secretary of State April 18, 2007.