

SENATE BILL REPORT

SB 5646

As Reported by Senate Committee On:
Judiciary, February 20, 2009

Title: An act relating to process servers.

Brief Description: Changing provisions relating to process servers.

Sponsors: Senators McDermott, Carrell and Kline.

Brief History:

Committee Activity: Judiciary: 1/30/09, 2/20/09 [DPS].

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 5646 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kline, Chair; Regala, Vice Chair; Carrell, Hargrove, Kohl-Welles, Roach and Tom.

Staff: Kim Johnson (786-7472)

Background: Under current law, 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. Persons registering as process servers are not required to be a resident of Washington.

The Department of Licensing (DOL) may furnish lists of registered and legal owners of motor vehicles to the following entities for the specified purposes: (1) motor vehicle manufacturers, for safety recalls; (2) U.S. and Canadian governmental agencies, for use in enforcement of vehicle or traffic laws; (3) commercial parking companies, to notify owners of outstanding parking violations; (4) DOL agents, to provide certain information to motor vehicle dealers; (5) businesses making loans for the purchase of motor vehicles, to assist in determining whether to provide financing; and (6) toll facilities, to identify toll violators.

DOL may also release the name and address of an individual vehicle owner if the requesting party is a business entity that has entered into a disclosure agreement with DOL and requests the information for use in the course of business. Process servers currently request individual record information as business entities.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Under state law, when both a mailing address and residential address are listed in a vehicle record, only the mailing address is to be disclosed, except in response to requests from a court, law enforcement agency, or other government entities with enforcement, investigative, or taxing authority.

Summary of Bill (Recommended Substitute): The following criteria are added for persons who serve legal process for a fee or wage in the state of Washington: (1) the person must be a resident of the state of Washington; and (2) the person must be at least 18 years of age or older.

EFFECT OF CHANGES MADE BY JUDICIARY COMMITTEE (Recommended Substitute): The authority of DOL to release lists of registered and legal owners of motor vehicles to process servers is removed. The authority of DOL to disclose a residence address to a process server is also removed.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Original Bill: PRO: This bill is very similar to the one this committee heard last year. We've made some improvements. The bill is intended to help make the service of process more efficient. We understand there are some concerns about privacy and are willing to work with those stakeholders to address their concerns. Until a couple of years ago, process servers had access to accurate vehicle and residence address information. We were inadvertently left out of a bill that changed access to this information and are simply looking to correct this misstep.

We support this bill, with the suggestion that private investigators be added to the list of entities able to receive lists of vehicle owner information and residence addresses. Private investigators are licensed by the state and often also function as process servers, yet this bill would treat us differently as process servers and give them more access to information than we as private investigators can get.

OTHER: We have concerns with the part of the bill that would allow DOL to give residence address information to process servers. While we are sure that the majority of these people have good intentions and do their job well, the residence address and vehicle description for victims of domestic violence or sexual assault is very sensitive information and any leak or indiscretion with this information could put someone's life at risk. There is too much of a risk for potential abuse to include process servers in the list of approved entities for this type of information.

Persons Testifying: PRO: Senator McDermott, prime sponsor; Robin Mullins, Washington State Process Servers; Martha Modeen, Modeen Legal Investigations; Neil Marsh, David Listan, Washington Association of Legal Investigators.

OTHER: Pam Crone, Washington State Coalition Against Domestic Violence; Lonnie Johns Blown, Washington Sexual Assault Program.