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**HOUSE BILL 1536**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Representative Kirby

AN ACT Relating to eliminating the option to serve before filing a civil complaint; amending RCW 4.28.020 and 4.16.170; and providing an effective date.

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

**Sec.**  RCW 4.28.020 and 1984 c 76 s 2 are each amended to read as follows:

(1) A civil action is commenced by filing with the court a complaint signed as required by court rule.

(2) From the time of the commencement of the action by ((~~service of summons, or by~~)) the filing of a complaint, or as otherwise provided in statute, the court is deemed to have acquired jurisdiction and to have control of all subsequent proceedings.

**Sec.**  RCW 4.16.170 and 1971 ex.s. c 131 s 1 are each amended to read as follows:

For the purpose of tolling any statute of limitations an action shall be deemed commenced when the complaint is filed ((~~or summons is served whichever occurs first. If service has not been had on the defendant prior to the filing of the complaint,~~)). The plaintiff shall cause one or more of the defendants to be served personally, or commence service by publication within ninety days from the date of filing the complaint. ((~~If the action is commenced by service on one or more of the defendants or by publication, the plaintiff shall file the summons and complaint within ninety days from the date of service.~~)) If ((~~following service, the complaint is not so filed, or~~)) following filing, service is not so made, the action shall be deemed to not have been commenced for purposes of tolling the statute of limitations.

NEW SECTION. **Sec.**  This act takes effect January 1, 2020.

**--- END ---**