

HOUSE BILL REPORT

HB 1913

As Reported by House Committee On:
Judiciary

Title: An act relating to process servers.

Brief Description: Changing provisions relating to process servers.

Sponsors: Representatives Warnick, Flannigan and Simpson.

Brief History:

Committee Activity:

Judiciary: 2/9/09; 1/28/10, 2/1/10 [DPS].

Brief Summary of Substitute Bill

- Requires all process servers who serve process for a fee to be Washington residents at least 18 years of age or older.
- Exempts persons who are not required to register as process servers from the residency requirement.
- Removes employees of a registered process server from the list of those who are exempt from the requirement to register.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Kelley, Kirby, Ormsby, Roberts, Ross and Warnick.

Staff: Courtney Barnes (786-7194).

Background:

A person who serves legal process for a fee must be registered with the auditor of the county in which the process server resides or operates his or her principal place of business. The requirement to register with the county auditor does not apply to:

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.

- sheriffs and other government employees acting in the course of employment;
 - attorneys or the attorney's employees who are not serving process on a fee basis;
 - persons appointed by the court to serve the court's process;
 - employees of a registered process server; and
 - persons who do not receive a fee or wage for serving process.
-

Summary of Substitute Bill:

Process Servers.

All process servers who serve process for a fee must be Washington residents at least 18 years of age or older. The residency requirement does not apply to those persons who are exempt from the requirement to register with the county auditor. Employees of a registered process server are removed from the list of those who are exempt from the requirement to register as a process server.

Substitute Bill Compared to Original Bill:

The substitute bill removes the section in the original bill that would have permitted the Department of Licensing to furnish lists of motor vehicle owners to process servers. The original bill did not create an exemption to the residency requirement. Under the substitute bill, the residency requirement does not apply to persons who are exempt from the requirement to register as a process server. The substitute bill removes employees of a registered process server from the list of those who are exempt from the registration requirement.

Appropriation: None.

Fiscal Note: Not requested.

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

Staff Summary of Public Testimony:

(In support) The bill was heard last year and had a troublesome section relating to the Department of Licensing. The proposed substitute bill removes this section. The remaining language is useful public policy. The purpose of the bill is to make certain that process servers are available to the courts. The residency requirement helps further this purpose. The residency requirement also helps Washington process servers who are unable to serve process in Oregon because of a residency requirement that was recently enacted in Oregon. The bill will prevent Oregon process servers from serving process in Washington.

(Neutral) The American Civil Liberties Union of Washington (ACLU) had concerns with the section that has been removed by the proposed substitute bill. The ACLU has no position on the remaining sections of the bill.

(Opposed) None.

Persons Testifying: (In support) Representative Warnick, prime sponsor; and MaryLee Rustand, Robin Mullins, and Steve Lindstrom, Washington State Process Servers Association.

(Neutral) Doug Klunder, American Civil Liberties Union of Washington.

Persons Signed In To Testify But Not Testifying: None.