

WASHINGTON

State Capital: Olympia
Population: 7.2 million -- 39 counties

WASHINGTON

SUPERIOR COURT CIVIL RULES

RULE 4. PROCESS

(c) **By Whom Served.** Service of summons and process, except when service is by publication, shall be by the sheriff of the county wherein the service is made... or by any person over 18 years of age who is competent to be a witness in the action, other than a party. Subpoenas may be served as provided in Rule 45.

(d) **Service.**

(2) *Personal in State.* Personal service of summons and process shall be as provided in RCW 4.28.080-.090, 23B.05.040, 23B.15.100, 46.64.040, and 48.05.200 and .210, and other statutes which provide for personal service.

(e) **Other Service.**

(2) *Personal Service Out of State – Generally.* Although Rule 4 does not generally apply to personal service out of state, the prescribed form of summons, may, with the modifications required by statute, be used for that purpose. See RCW 4.28.180.

(g) **Return of Service.** Proof of service shall be as follows:

- (1) If served by the sheriff or his deputy, the return of the sheriff or his deputy endorsed upon or attached to the summons;
- (2) If served by any other person, his affidavit of served endorsed upon or attached to the summons; or
- (3) In case of personal service out of state, the affidavit of the person making the service, sworn to before a notary public, with a seal attached, or before a clerk of a court of record.

Alternative Provisions for Service in a Foreign Country.

- (1) *Manner.* When a statute or rule authorizes service upon a party ... in a foreign country, it is also sufficient if service of the summons ... is made in the manner prescribed by the law of the foreign country for service in that country in an action in any of its courts of general jurisdiction; or
 - (A) as directed by the foreign authority in response to a letter rogatory or a letter of request; or
 - (B) upon an individual, by delivery to him personally, and upon a corporation or partnership or association, by delivery to an officer, a managing or general agent; or

- (C) by any form of mail, requiring a signed receipt, to be addressed and mailed to the party to be served; or
- (D) pursuant to the means and terms of any applicable treaty or convention; or
- (E) by diplomatic or consular officers when authorized by the U.S. Dept. of State; or
- (F) as directed by order of the court.

Service under (C) or (G) above may be made by any person who is not a party and is not less than 21 years of age or who is designated by order of the court or by the foreign court. The method for service of process in a foreign country must comply with applicable treaties, if any, and must be reasonably calculated, under all the circumstances, to give actual notice.

(2) *Return.* Proof of service may be made as prescribed by section (g) of this rule, or by the law of the foreign country, or by a method provided for in any applicable treaty or convention, or by order of the court...

RULE 45. SUBPOENA

(c) **Service.** A subpoena may be served by any suitable person over 18 years of age, by exhibiting and reading it to the witness, or by giving him a copy, or by leaving such copy at the place of his abode. When service is made by any other person than an officer authorized to serve process, proof of service shall be made by affidavit.

REVISED CODE OF WASHINGTON (RCW)

4.28.080. Summons, how served—Service made in the modes provided in this section shall be held to be personal service. The summons shall be served by delivering a copy, as follows:

- (9) If the suit be against a company or corporation other than those designated in the preceding subdivisions of this section, to the president or other head of the company..., the registered agent, secretary, cashier or managing agent, or to the secretary, stenographer or office assistant of the president or other head of the company.
- (15) In all other cases, to the defendant personally, or by leaving a copy of the summons at the house of his or her usual abode with some person of suitable age and discretion then resident therein.
- (16) In lieu of service under subsection (15) of this section, where the person cannot with reasonable diligence be served as described, the summons may be served as provided in this subsection, and shall be deemed complete on the 10th day after the required mailing: ---
-----By leaving a copy at his or her usual mailing address with a person of suitable age and discretion who is a resident, proprietor, or agent thereof, and by thereafter mailing a copy by first class mail, postage prepaid, to the person to be served at his or her usual mailing address. For the purposes of this subsection, "usual mailing address" shall not include a United States postal service post office box or the person's place of employment.

[**Note:** This subsection (16) contains the new language of the statute as amended in the 1997 legislature which became effective 7/27/97. It takes away the previously authorized substituted service at place of employment.]

educational loan; provides for a brief adjudicative proceeding before suspension; allows registration to be reissued under certain conditions.]

Case Note

☞ Failing to come to door to receive service of process does not constitute evasion of service; those who are to be served with process are under no obligation to arrange time and place for service or to otherwise accommodate process server. Weiss v. Glemp (1995) 127 Wash.2d 726, 903 P.2d 455.

Recommended Source

Process Servers Handbook, published by WSPSA (Washington State Process Servers Association). This book, originally published in 1991, is the work of WSPSA members Gary Turpen and Gary Ramey and Washington attorney David P. Tracy. It is well-researched and the authors do an excellent job of using case decisions to explain the meaning of statutory language . The 4th edition (includes Laws of 1998) is on CD and also available by email. **Price \$25 + postage** to non-members of WSPSA. Contact Eric Vennes, (425) 316-8110 to purchase a copy.

4.28.180 Personal service out of state. Personal service of summons or other process may be made upon any party outside the state. If upon a citizen or resident of this state ... it shall have the force and effect of service within this state; ... The summons upon the party out of the state shall contain the same and be served in like manner as personal summons within the state.

18.180.010 Process Servers – Registration

- (1) A person who serves legal process for a fee in the State of Washington shall register as a process server with the auditor of the county in which the process server resides or operates his or her principal place of business. [Exclusion is provided for an attorney or the attorney’s employees who are not serving process on a fee basis.]
- (2) The requirement to register ... does not apply to any of the following persons:
 - (a) A sheriff, deputy sheriff, marshal, constable, or government employee who is acting in the course of employment;
 - (b) An attorney or the attorney’s employees, who are not serving on a fee basis;
 - (c) A person who is court appointed...
 - (d) An employee of a person registered under this section;
 - (e) A person who does not receive a fee or wage for serving process.

18.180.030 Identification on proof of service

- (1) A process server required to register under RCW 18.180.010 shall indicate the server’s registration number and county of registration on any proof of service the server signs.
- (2) Employees of a [registered process server] shall indicate the employer’s registration number and the employer’s county of registration on any proof of service the registrant’s employee signs.

18.180.040 Collection of costs of service

[provides that attorney not entitled to collect costs of service fee if nonregistered process server used; however, costs may be collected if process server registers within 45 days after serving the process.]

18.180.050 Registration suspension

[provides that auditor suspend the registration of any process server who has been certified by a lending agency as being in default on a federally or state-guaranteed