

Committee on Judiciary

CS/CS/SB 1432 — Service of Process

by Rules Committee; Judiciary Committee; and Senator Stargel

This bill authorizes additional methods of service of process if personal service of process cannot be effected.

Under current law, a process server may personally serve process, such as a subpoena or summons, on a witness or opposing party in a lawsuit. If personal service of process is not possible, existing law authorizes substitute service of process on the intended recipient's spouse or person in charge of the recipient's business or private mailbox.

This bill allows a process server to effect substitute service of process on a person in charge of an intended recipient's virtual office or executive office or mini suite. The bill further provides that these intended recipients may include a registered agent for a corporation, an officer or director of a corporation, or the corporation itself in certain circumstances.

A virtual office is an office that provides communications services such as telephone or fax services, and other services without dedicated office space, provided that all communications are routed through a common receptionist. An executive office or mini suite is similar, except that it includes dedicated office space.

In addition to expanding substitute service of process, this bill revises the state's long-arm statute which defines the limits of the jurisdiction of the courts of this state.

Among other limits, the current statute limits the jurisdiction of the courts of this state to enforce a penalty or fine imposed by an agency of another state. The penalty or fine may not be enforced in this state's courts unless the other state grants the defendant a mandatory right of review of the penalty or fine. This bill further prohibits courts from enforcing agency actions from other states by prohibiting the enforcement of any agency order unless the other state grants a mandatory right of review.

If approved by the Governor, these provisions take effect July 1, 2016.

Vote: Senate 40-0; House 112-4