

1 **PROCESS SERVERS**

2 2003 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Michael G. Waddoups**

5 **This act modifies provisions relating to private investigators. It provides that private**
6 **investigators may serve all forms of process issued by a court except writs of execution,**
7 **bench warrants, and any criminal process.**

8 This act affects sections of Utah Code Annotated 1953 as follows:

9 AMENDS:

10 **78-12a-2**, as last amended by Chapter 314, Laws of Utah 1995

11 **78-27-58**, as last amended by Chapter 225, Laws of Utah 1993

12 *Be it enacted by the Legislature of the state of Utah:*

13 Section 1. Section **78-12a-2** is amended to read:

14 **78-12a-2. Process servers.**

15 (1) The following persons may serve all process issued by the courts of this state
16 except as otherwise limited by Section 78-27-58:

17 (a) a peace officer employed by any political subdivision of the state acting within the
18 scope and jurisdiction of his employment;

19 (b) a sheriff or appointed deputy sheriff employed by any county of the state;

20 (c) a constable serving in compliance with applicable law;

21 (d) an investigator employed by the state and authorized by law to serve civil process;

22 and

23 (e) private investigators licensed in accordance with Title 53, Chapter 9, Private
24 Investigator Regulation Act, except private investigators may not serve writs of execution,

25 **§ [bench] ARREST § warrants, and all criminal issuances.**

26 (2) Other persons may serve process as prescribed by Section 78-27-58.

27 (3) A person serving process shall legibly document the date and time of service and



28 his name and address on the return of service.

29 Section 2. Section **78-27-58** is amended to read:

30 **78-27-58. Service of judicial process by persons other than law enforcement**
31 **officers.**

32 Persons who are not peace officers, constables, sheriffs, or lawfully appointed deputies
33 of such officers [or], authorized state investigators, or private investigators licensed in
34 accordance with Title 53, Chapter 9, Private Investigator Regulation Act, may not serve any
35 forms of civil or criminal process other than complaints, summonses, and subpoenas.

Legislative Review Note
as of 1-20-03 12:10 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number SB0111

Process Servers

27-Jan-03

10:41 AM

State Impact

No significant State or local government fiscal impact.

Individual and Business Impact

This bill could have a fiscal impact on some individuals or companies by limiting the forms of court processes that they may deliver. The amount of the fiscal impact will depend on the volume of business they currently have in the processes that are being limited by this bill.

Office of the Legislative Fiscal Analyst