

PROCESS SERVER AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen H. Urquhart

House Sponsor: V. Lowry Snow

LONG TITLE

General Description:

This bill expands the types of process a person over the age of 18 is permitted to serve and allows private investigators to serve all civil process.

Highlighted Provisions:

This bill:

- ▶ expands the types of process a person over the age of 18 is permitted to serve; and
- ▶ allows private investigators to serve all civil process.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78B-8-302, as renumbered and amended by Laws of Utah 2008, Chapter 3

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

Section 1. Section **78B-8-302** is amended to read:

78B-8-302. Process servers.

(1) Complaints, summonses, ~~§~~→ [supplemental orders, writs of garnishment, garnishee orders, notices,] ←~~§~~ and subpoenas may be served by any person 18 years of age or older at the time

S.B. 210



28 of service, and who is not a party to the action or a party's attorney.

29 (2) The following persons may serve all process issued by the courts of this state:

30 (a) a peace officer employed by any political subdivision of the state acting within the
31 scope and jurisdiction of ~~[his]~~ the peace officer's employment;

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

33 (c) a constable, or the constable's deputy, serving in compliance with applicable law;

34 and

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

36 (3) Private investigators licensed in accordance with Title 53, Chapter 9, Private
37 Investigator Regulation Act, may ~~[only]~~ serve ~~[the following forms of process:]~~ all forms of
38 process in a civil proceeding ~~§~~ , including bench warrants, however private investigators may
38a not arrest anyone pursuant to a bench warrant ~~←~~§ .

38b ~~¶~~→ (a) While serving process, a private investigator shall:

38c (i) have on the investigator's person a visible form of credentials and identification
38d identifying:

38e (A) the person by name;

38f (B) the person as a licensed private investigator; and

38g (C) the name and address of the agency employing the investigator or, if the
38h investigator is self-employed, the address of the investigator's place of business.

38i (ii) verbally communicate to the person being served that the investigator is acting as a
38j process server; and

38k (iii) print on the first page of each document served:

38l (A) the investigator's name and identification as a private investigator; and

38m (B) the address and phone number for the investigator's place of business.

38n (b) A private investigator may not use physical force or cause a breach of the peace
38o while serving or attempting to serve process.

38p (c) A complaint regarding a private investigator serving process may be made to and
38q investigated by the Sheriff of the county where the incident being complained of occurred. If
38r the Sheriff determines the complaint is credible, the Sheriff may restrict or prohibit a licensed
38s private investigator from serving any or all types of process within the county. ~~←~~¶

39 ~~[(a) petitions;]~~

40 ~~[(b) complaints;]~~

41 ~~[(c) summonses;]~~

42 ~~[(d) supplemental orders;]~~

- 43 [~~(e)~~ orders to show cause;]
44 [~~(f)~~ notices;]
45 [~~(g)~~ small claims affidavits;]
46 [~~(h)~~ small claims orders;]
47 [~~(i)~~ writs of garnishment;]
48 [~~(j)~~ garnishee orders; and]
49 [~~(k)~~ subpoenas duces tecum.]
50 (4) Other persons may serve process as prescribed by Subsection (1).
51 (5) A person serving process shall legibly document the date and time of service and
52 [~~his~~] the person's name and address on the return of service.

Legislative Review Note
as of 2-9-12 6:17 AM

Office of Legislative Research and General Counsel