

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, and subpoenas may be served by any person 18 years of age or older at the time of service, and who is not a party to the action or a party's attorney.

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

(a) a peace officer employed by any political subdivision of the state acting within the

30 scope and jurisdiction of ~~[his]~~ the peace officer's employment;

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

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

33 and

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

35 (3) Private investigators licensed in accordance with Title 53, Chapter 9, Private

36 Investigator Regulation Act, may ~~[only]~~ serve ~~[the following forms of process:]~~ all forms of

37 process in a civil proceeding, including bench warrants, however private investigators may not

38 arrest anyone pursuant to a bench warrant.

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 (a) While serving process, a private investigator shall:

51 (i) have on the investigator's person a visible form of credentials and identification

52 identifying:

53 (A) the person by name;

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

55 (C) the name and address of the agency employing the investigator or, if the

56 investigator is self-employed, the address of the investigator's place of business;

57 (ii) verbally communicate to the person being served that the investigator is acting as a

58 process server; and

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

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

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

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

64 (c) A complaint regarding a private investigator serving process may be made to and
65 investigated by the sheriff of the county where the incident being complained of occurred. If
66 the sheriff determines the complaint is credible, the sheriff may restrict or prohibit a licensed
67 private investigator from serving any or all types of process within the county.

68 (4) Other persons may serve process as prescribed by Subsection (1).

69 (5) A person serving process shall legibly document the date and time of service and
70 [his] the person's name and address on the return of service.