

PROCESS SERVER AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lee B. Perry

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends the qualification criteria for process servers.

Highlighted Provisions:

This bill:

▶ prohibits a sex offender or a person with a current protective order from serving process issued by a court.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78B-8-302, as last amended by Laws of Utah 2012, Chapter 413

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]~~ Except as provided in Subsection (3), the following persons may serve all



28 process issued by the courts of this state:

29 (a) a peace officer employed by any political subdivision of the state acting within the
30 scope and jurisdiction of 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) The following persons may not serve process issued by the courts:

36 (a) a sex offender, as defined in Section 77-41-102; or

37 (b) a person who is a respondent in a proceeding described in Title 78B, Chapter 7,

38 Protective Orders, in which a court has granted the petitioner a protective order.

39 [~~3~~] (4) Private investigators licensed in accordance with Title 53, Chapter 9, Private
40 Investigator Regulation Act, may serve all forms of process in a civil proceeding, including
41 bench warrants, however private investigators may not arrest anyone pursuant to a bench
42 warrant.

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

44 (i) have on the investigator's person a visible form of credentials and identification
45 identifying:

46 (A) the person by name;

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

48 (C) the name and address of the agency employing the investigator or, if the
49 investigator is self-employed, the address of the investigator's place of business;

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

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

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

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

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

57 (c) A complaint regarding a private investigator serving process may be made to and
58 investigated by the sheriff of the county where the incident being complained of occurred. If

59 the sheriff determines the complaint is credible, the sheriff may restrict or prohibit a licensed
60 private investigator from serving any or all types of process within the county.

61 [~~4~~] (5) Other persons may serve process as prescribed by Subsection (1).

62 [~~5~~] (6) A person serving process shall legibly document the date and time of service
63 and the person's name and address on the return of service.

Legislative Review Note

as of 2-4-13 11:23 AM

Office of Legislative Research and General Counsel