

# An Act

ENROLLED HOUSE  
BILL NO. 1084

By: Grau of the House

and

Holt of the Senate

An Act relating to private process servers; amending 12 O.S. 2011, Section 158.1, as amended by Section 1, Chapter 101, O.S.L. 2012 (12 O.S. Supp. 2012, Section 158.1), which relates to licensing private process servers; directing applicant to give notice of license hearing in certain publication; requiring applicant to pay publication fee; directing applicant to file proof of publication prior to hearing; mandating court clerk to mail or deliver notice to the district attorney prior to hearing; and declaring an emergency.

SUBJECT: Fire service training

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 12 O.S. 2011, Section 158.1, as amended by Section 1, Chapter 101, O.S.L. 2012 (12 O.S. Supp. 2012, Section 158.1), is amended to read as follows:

Section 158.1 A. Service and return of process in civil cases may be by an authorized licensed private process server. The presiding judge of the judicial administrative district in which the county is located, or an associate district judge or district judge of the county as may be designated by the presiding judge, shall be authorized to issue a license to make service of process in civil cases to persons deemed qualified to do so.

B. Any person who is:

1. Eighteen (18) years of age or older;
2. Of good moral character;
3. Found ethically and mentally fit;

4. A resident of the State of Oklahoma for a period of not less than six (6) months; and

5. A resident of the county or judicial administrative district in which the application is submitted for a period of not less than thirty (30) days,

may obtain a license by filing an application with the court clerk on a verified form to be prescribed by the Administrative Office of the Courts. The form shall require the applicant to identify whether the applicant has had a process server license issued by the State of Oklahoma, any other state, or any county in Oklahoma at any time prior to the current application.

C. The applicant filing for a license to serve process anywhere in this state shall pay a license fee of One Hundred Fifty Dollars (\$150.00), and the regular docketing, posting, mailing, and filing fees prescribed by law. The license shall contain the full legal name, address, county in which the license was issued, a brief description of the licensee and a recent photograph of the licensee. The license shall state that the licensee is an officer of the court only for the purpose of service of process. The authority of the licensee shall be statewide. The license shall be carried by the licensee while on duty as a private process server. At the end of one (1) calendar year from the date of issuance of the initial license, the license shall be renewed for a period of three (3) years. The license shall be renewed each succeeding three (3) years. A fee of Fifteen Dollars (\$15.00) per renewal shall be charged for each statewide license renewal. A license issued pursuant to this subsection entitles the holder of the license to serve process in any county in this state.

All fees collected pursuant to this section shall be deposited in the court fund.

D. Upon the filing of an application for a license, the court clerk shall give thirty (30) days' notice of hearing by causing the notice to be continually posted for thirty (30) days on the website of the county, or be posted in the courthouse, ~~and~~. The applicant

shall cause notice of the hearing to be made no less than twenty (20) days prior to the hearing one time by publication in a legal newspaper of the county, as defined in Section 106 of Title 25 of the Oklahoma Statutes, in which the application is filed. A fee The applicant shall be responsible for payment of the legal notice shall be collected from the applicant by the court clerk at the time the applicant files for a license and the newspaper shall receive payment from the court clerk upon receipt of publication fee, and shall file in the case the proof of publication affidavit from the newspaper prior to the hearing. A The court clerk shall mail or deliver a copy of the notice shall be mailed at least twenty (20) days prior to the hearing to the district attorney, the sheriff in the county in which the application was filed, and the Oklahoma State Bureau of Investigation and shall contain the name of the applicant and the time and place the presiding judge or the associate district judge or district judge designated by the presiding judge, will act upon the application.

E. If, at the time of consideration of the application or renewal, there are no protests and the applicant appears qualified, the application for the license shall be granted by the presiding judge or such associate district judge or district judge as is designated by the presiding judge and, upon executing bond running to the State of Oklahoma in the amount of Five Thousand Dollars (\$5,000.00) for faithful performance of his or her duties and filing the bond with the court clerk, the applicant shall be authorized and licensed to serve civil process in any county in this state. If, at the time of consideration of the application for the license, the presiding judge, associate district judge or district judge as is designated by the presiding judge determines that the applicant does not meet all of the qualifications necessary for a license, the applicant shall be prohibited from reapplying for a license to serve process for a period of not less than one (1) year from the date of denial.

F. If any citizen of this state files a written protest setting forth objections to the licensing of the applicant, the district court clerk shall so advise the presiding judge or such associate district judge or district judge as is designated by the presiding judge, who shall set a later date for hearing of application and protest. The hearing shall be held within sixty (60) days and after notice to all persons known to be interested.

G. Proof of service of process shall be shown by affidavit as provided for by subsection G of Section 2004 of this title.

H. The district attorney of the county wherein a license authorized under this act has been issued or the Attorney General may file a petition in the district court to revoke the license issued to any licensee, as authorized pursuant to the provisions of this section, alleging the violation by the licensee of any of the provisions of the law. After at least thirty (30) days' notice by certified mail to the licensee, the chief or presiding judge, sitting without jury, shall hear the petition and enter an order thereon. If the license is revoked, the licensee shall not be permitted to reapply for a license for a period of five (5) years from the date of revocation. Notwithstanding any other provision of this section, any licensee whose license has been revoked one time shall pay the sum of One Thousand Dollars (\$1,000.00) as a renewal fee. If a second revocation occurs, the chief or presiding judge shall not allow an applicant to renew the license.

I. The court clerk shall make available at all times in the office of the court clerk the list of licensed private process servers. Any person in need of the services of a process server may designate one from the names on the list, before presenting summons to the court clerk for issuance, without necessity for individual judicial appointment.

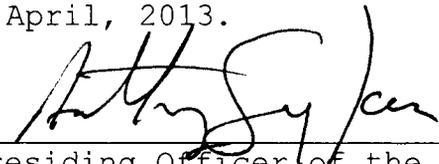
J. No later than January 1, 2013, the Administrative Office of the Courts shall establish and maintain a statewide registry which shall contain a list of licensed private process servers. The Administrative Office of the Courts shall promulgate rules for the creation and maintenance of the statewide registry. Rules for the statewide registry for private process servers must have approval of the Supreme Court.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 14th day of February, 2013.

  
Presiding Officer of the House  
of Representatives

Passed the Senate the 15th day of April, 2013.

  
Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 16<sup>th</sup>  
day of April, 20 13, at 6:02 o'clock P M.

By: Audrey Lockwell

Approved by the Governor of the State of Oklahoma this 22<sup>nd</sup>  
day of April, 20 13, at 2:49 o'clock P M.

  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 22<sup>nd</sup>  
day of April, 20 13, at 4:30 o'clock P. M.

By: Henry V. Williams