

JUDICIARY SUBCOMMITTEE ON SERVICE OF PROCESS
Senator Jerry Moran, Chairman

March 27, 1990 - 5:00 P.M. - Room 254-E

Committee members present: Senators Moran, Oleen and Petty

SB 321 - Service of process by mail for limited action.

Matt Lynch, Office of Judicial Council
Paul Shelby, Judicial Administrator

SB 620 - Fee for service of summons and petition.

Matt Lynch, Office of Judicial Council
Paul Shelby, Judicial Administrator

HB 3021 - Service of process by certified mail.

Matt Lynch, Office of Judicial Council
Paul Shelby, Judicial Administrator (See Attachment I)

Senator Oleen moved to recommend the full committee amend the bill to provide sheriffs shall receive \$5.00 fee for personal Service of Process. Senator Petty seconded the motion. The motion carried. Senator Oleen moved to recommend the full committee report the bill favorably as amended. Senator Petty seconded the motion. The motion carried.

Repeal

60-314. Summons and petition; service by first-class mail on individual, corporation or partnership. (a) Notwithstanding any other method of serving the summons and petition upon a defendant, a summons and petition may be served upon a defendant of any class referred to in subsections (a) and (e) of K.S.A. 60-304 and amendments thereto by mailing a copy of the summons and of the petition by first-class mail, postage prepaid, to the person to be served, together with two copies of a notice and acknowledgment of receipt of summons and petition and a return envelope, postage prepaid, addressed to the sender.

(b) Unless good cause is shown for not doing so, the court shall order the payment of the reasonable costs of obtaining personal service by the person served, if such person does not complete and return the notice and acknowledgment of receipt of summons and petition within 20 days after its mailing.

(c) If service is made under subsection (a), return shall be made by the sender's filing with the court the acknowledgment of receipt of summons and petition.

(d) Service of process shall be considered obtained under K.S.A. 60-203 and amendments thereto upon the execution of the acknowledgment of receipt of summons and petition. The sender need not file with the court the acknowledgment of receipt of summons and petition in order for an action to be deemed commenced.

(e) The notice and acknowledgment of receipt of summons and petition referred to in subsection (a) shall be in substantially the following form:

In the District Court of _____
County, Kansas.
_____, Plaintiff,
vs.
_____, Defendant.

NOTICE

To: _____
The enclosed summons and petition are served pursuant to section 1 [60-314]. You must complete the acknowledgment part of this form and return one copy of the completed form to the sender within 20 days of _____.

You must sign and date the acknowledgment. If you are served on behalf of a corporation, unincorporated association (including a partnership) or other entity, you must indicate under your signature your relationship to that entity. If you are served on behalf of another person and you are authorized to receive process, you must indicate under your signature your authority.

If you do not complete and return the form to the sender within 20 days of _____ you (or the party on whose behalf you are being served) shall be required to pay any expenses incurred in serving a summons and petition in another manner permitted by law, unless good cause is shown.

If you do complete and return this form, you (or the party on whose behalf you are being served) must answer the petition within 20 days of the date of your acknowledgment, if the notice and acknowledgment is received within the state of Kansas, and within 30 days of the date of your acknowledgment, if the notice and acknowledgment is received outside the state of Kansas. If you fail to do so, judgment by default will be taken against you for the relief demanded in the petition.

I declare, under penalty of perjury, that this notice and acknowledgment of receipt of summons and petition was mailed by first-class mail, postage prepaid, on the _____ day of _____,

Signature

Date of Signature

ACKNOWLEDGMENT OF RECEIPT OF SUMMONS AND PETITION

I declare, under penalty of perjury, that I received a copy of the summons and petition in the above-captioned matter at _____.

Signature

Printed Name

Relationship to Entity/
Authority to Receive Service
of Process

Date of Signature

(f) This section shall be part of and supplemental to the code of civil procedure.

History: L. 1985, ch. 198, § 1; July 1.

Attach. I
Judiciary Subcomm.
3-27-90 - 5:00 pm