

HB 596-FN-LOCAL – AS INTRODUCED

2013 SESSION

13-0019
09/10

HOUSE BILL ***596-FN-LOCAL***

AN ACT relative to service of notice of civil actions.

SPONSORS: Rep. Vaillancourt, Hills 15

COMMITTEE: Judiciary

ANALYSIS

This bill requires service of notice of civil actions to be made directly to the defendant or by certified mail, return receipt requested.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struck through]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT relative to service of notice of civil actions.

Be it Enacted by the Senate and House of Representatives in General Court convened:

- 1 1 Service of Process; Manner. Amend RSA 510:2 to read as follows:
2 510:2 Manner. All writs and other processes shall be served by giving *directly* to the defendant
3 or ~~[leaving at his abode]~~ *by mailing to the defendant by certified mail, return receipt*
4 *requested*, an attested copy thereof, except in cases otherwise provided for.
5 2 Effective Date. This act shall take effect January 1, 2014.

HB 596 FISCAL NOTE

AN ACT relative to service of notice of civil actions.

FISCAL IMPACT:

The New Hampshire Association of Counties and the Judicial Branch state this bill, as introduced, may decrease county revenue and state expenditures by an indeterminable amount in FY 2014 and each year thereafter. There will be no fiscal impact on county and local expenditures, or state and local revenue.

METHODOLOGY:

The New Hampshire Association of Counties states this bill requires service of notice of civil actions to be made directly to the defendant or by certified mail, return receipt requested. The Association states the bill repeals the current abode service option, which can be used by plaintiffs to verify to the court that the defendant has been notified of a lawsuit. Abode service is performed by county sheriff departments, which charge plaintiffs a fee for performing the service. The Association states it is unable to determine the total decrease in county revenue that may result from the bill, but based on the recent volume of abode service notices, the Association estimates the decrease may be greater than \$1,000,000 per year for all counties combined.

The Judicial Branch states that typically, the cost of service of process is borne by the plaintiff, not by the Branch. However, RSA 499:18-b allows indigent individuals to seek relief from the payment of court fees, including those payable to county sheriffs. Thus, since the bill no longer requires service by a sheriff, the Branch states it may result in savings of fees the Branch currently pays pursuant to RSA 499:18-b. The Branch estimates these potential cost savings at less than \$10,000 per year.