

SECOND REGULAR SESSION

SENATE BILL NO. 804

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR GROSS.

Read 1st time January 4, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

3636S.011

AN ACT

To repeal section 506.150, RSMo, and to enact in lieu thereof one new section relating to service of summons and petitions in civil actions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 506.150, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 506.150, to read as follows:

506.150. 1. The summons and petition shall be served together. Service
2 shall be made as follows:

3 (1) Upon an individual, including an infant or disabled or incapacitated
4 person not having a legally appointed guardian or conservator, by delivering a
5 copy of the summons and of the petition to him personally or by leaving a copy
6 of the summons and of the petition at his dwelling house or usual place of abode
7 with some person of his family over the age of fifteen years, or by delivering a
8 copy of the summons and of the petition to an agent authorized by appointment
9 or required by law to receive service of process;

10 (2) If the infant or disabled or incapacitated person has a legally
11 appointed conservator, by serving a copy of the summons and of the petition on
12 such conservator as provided in subdivision (1) of this subsection;

13 (3) Upon a domestic or foreign corporation or upon a partnership, or other
14 unincorporated association, when by law it may be sued as such, by delivering a
15 copy of the summons and of the petition to an officer, partner, a managing or
16 general agent, or by leaving the copies at any business office of the defendant
17 with the person having charge thereof, or to any other agent authorized by
18 appointment or required by law to receive service of process and, if the agent is
19 one authorized by statute to receive service and the statute so requires, by also

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 mailing a copy to the defendant;

21 (4) Upon a domestic corporation that has been dissolved according to law,
22 by delivering a copy of the summons and of the petition to the last registered
23 agent of the corporation or upon the secretary of state, and if upon the secretary
24 of state, the secretary of state shall send a copy of the summons and petition by
25 registered mail, requesting a return receipt signed by addressee only, addressed
26 to each member of the last board of directors of the corporation at the address of
27 such directors, as shown by the secretary of state's records;

28 (5) Upon a public, municipal, governmental, or quasi-public corporation
29 or body, by delivering a copy of the summons and of the petition to the clerk of
30 the county commission in the case of a county, to the mayor or city clerk or city
31 attorney in the case of a city, and to the chief executive officer in the case of any
32 other public, municipal, governmental or quasi-public corporation or body. If
33 there is, for the time being, no such officer as is specified by this subdivision, the
34 court may designate an appropriate officer to whom the copies of the summons
35 and petition may be delivered in order to effect service.

36 2. When a defendant shall acknowledge in writing, endorsed on the writ,
37 signed by his own proper signature, the service of such writ, and waive the
38 necessity of the service thereof by an officer, such acknowledgment shall be
39 deemed as valid as service in the manner provided by law.

40 3. In all cases when the defendant shall refuse to hear the writ read or
41 to receive a copy of the writ or petition, the offer of the officer to read the same
42 or to deliver a copy thereof, and such refusal, shall be sufficient service of such
43 writ.

44 4. **Notwithstanding any provisions of law to the contrary, in any**
45 **civil action arising from injury to person or property caused by a**
46 **resident's use of any motor vehicle or trailer, if the plaintiff alleges,**
47 **either in a verified petition or affidavit, that a defendant cannot be**
48 **served personally in this state in the manner prescribed by law for**
49 **personal service, then the court shall order that the summons and**
50 **petition be served upon any insurance company through which such**
51 **defendant maintains an automobile insurance policy. In the affidavit**
52 **or petition, the plaintiff must describe specifically at least one prior**
53 **attempt to serve the defendant personally, including the date, time,**
54 **place, and manner by which service was attempted. The plaintiff also**
55 **must provide the last known address of the defendant and the address**

92

RECEIPT OF

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SUMMONS AND PETITION NOTICE

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TO: (Insert the name and address of the person to be served.)

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The enclosed summons and petition are served pursuant to section

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506.150, RSMo.

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You must complete the acknowledgment part of this form and return one

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copy of the completed form to the sender within thirty days.

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You must sign and date the acknowledgment. If you are served on behalf

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of a corporation, unincorporated association, including a partnership, or other

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entity, you must indicate under your signature your relationship to that entity.

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If you are served on behalf of another person and you are authorized to receive

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process, you must indicate under your signature your authority.

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If you do not complete and return the form to the sender within thirty

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days, you or the party on whose behalf you are being served may be required to

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pay any expenses incurred in serving a summons and petition in any other

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manner permitted by law.

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If you do complete and return this form, you or the party on whose behalf

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you are being served must answer the petition within thirty days. If you fail to

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do so, judgment by default will be taken against you for the relief demanded in

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the petition.

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I declare, under penalty of filing a false affidavit, that this Notice and

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Acknowledgment of Receipt of Summons and Petition was mailed on (insert date).

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Signature

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Relationship to Entity/Authority to Receive Service of Process

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(Date of Signature)

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