SECOND REGULAR SESSION

[PERFECTED]

SENATE BILL NO. 804

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR GROSS.

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

Read 2nd time January 11, 2006, and referred to the Committee on the Judiciary and Civil and Criminal Jurisprudence.

Reported from the Committee March 15, 2006, with recommendation that the bill do pass and be placed on the Consent Calendar. Taken up March 28, 2006. Read 3rd time and placed upon its final passage; bill passed.

TERRY L. SPIELER. Secretary.

3636S.01P

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Section A. Section 506.150, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 506.150, to read as follows: 2

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

3 (1) Upon an individual, including an infant or disabled or incapacitated person not having a legally appointed guardian or conservator, by delivering a 4 copy of the summons and of the petition to him personally or by leaving a copy 5of the summons and of the petition at his dwelling house or usual place of abode 6 with some person of his family over the age of fifteen years, or by delivering a 7 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 such conservator as provided in subdivision (1) of this subsection; 12

13(3) Upon a domestic or foreign corporation or upon a partnership, or other 14unincorporated association, when by law it may be sued as such, by delivering a

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

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 20 mailing a copy to the defendant;

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

28(5) Upon a public, municipal, governmental, or quasi-public corporation or body, by delivering a copy of the summons and of the petition to the clerk of 29the county commission in the case of a county, to the mayor or city clerk or city 30 attorney in the case of a city, and to the chief executive officer in the case of any 3132other public, municipal, governmental or quasi-public corporation or body. If there is, for the time being, no such officer as is specified by this subdivision, the 3334court may designate an appropriate officer to whom the copies of the summons 35and petition may be delivered in order to effect service.

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

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

defendant maintains an automobile insurance policy. In the affidavit 5152or petition, the plaintiff must describe specifically at least one prior attempt to serve the defendant personally, including the date, time, 53place, and manner by which service was attempted. The plaintiff also 54must provide the last known address of the defendant and the address 55and name of the insurance company through which the defendant 56maintains an automobile insurance policy. The summons and petition 57shall be served upon the insurance company in the same manner as on 5859any domestic or foreign corporation, as provided by this section. Such summons and petition also shall be mailed to the defendant at his or 60 her last known address. 61

5. Service of the summons and petition upon a defendant of any class 62referred to in subdivision (1) or (3) of subsection 1 of this section may be made by 63the plaintiff or by any person authorized to serve process pursuant to section 64 65 506.140, by mailing a copy of the summons and petition by first-class mail, 66 postage prepaid, to the person to be served, together with two copies of a notice and acknowledgment conforming substantially to the form contained in subsection 67 5 of this section and a return envelope, postage prepaid, addressed to the sender. 68 69 If no acknowledgment of service under this subsection is received by the sender 70within thirty days after the date of mailing, service of the summons and petition shall be made as otherwise provided by this section or supreme court 7172rule. Unless good cause is shown for not doing so, the court shall order the 73payment of the costs of personal service by the person served if such person does 74not complete and return within thirty days after mailing the notice and acknowledgment of receipt of summons. 75

[5.] 6. The acknowledgment form required by subsection 4 of this section
shall be substantially as follows:

 78
 Notice and Acknowledgment for Service by Mail

 79
 Circuit Court for County

 80
 Division

81 Civil Action, File Number

82	A.B.,)
83)
84	Plaintiff,)
85)
86	vs.)

SB	04 4		
87)		
88	C.D.,)		
89)		
90	Defendant.)		
91	NOTICE AND ACKNOWLEDGMENT OF		
92	RECEIPT OF		
93	SUMMONS AND PETITION NOTICE		
94	TO: (Insert the name and address of the person to be served.)		
95	5 The enclosed summons and petition are served pursuant to section		
96	506.150, RSMo.		
97	You must complete the acknowledgment part of this form and return or	ıe	
98	copy of the completed form to the sender within thirty days.		
99	You must sign and date the acknowledgment. If you are served on beha	lf	
100	of a corporation, unincorporated association, including a partnership, or othe	ər	
101	entity, you must indicate under your signature your relationship to that entit	y.	
102	If you are served on behalf of another person and you are authorized to receive		
103	process, you must indicate under your signature your authority.		
104	If you do not complete and return the form to the sender within thirty		
105	days, you or the party on whose behalf you are being served may be required to		
106	pay any expenses incurred in serving a summons and petition in any other		
107	manner permitted by law.		
108	If you do complete and return this form, you or the party on whose beha	lf	
109	you are being served must answer the petition within thirty days. If you fail	to	
110	do so, judgment by default will be taken against you for the relief demanded i	in	
111	the petition.		
112	I declare, under penalty of filing a false affidavit, that this Notice an	ıd	
113	Acknowledgment of Receipt of Summons and Petition was mailed on (insert date	.).	
114			
115	Signature		
116			
117	Relationship to Entity/Authority to Receive Service of Process		
118			
119	(Date of Signature)		

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