

SENATE BILL NO. 222

INTRODUCED BY G. VANCE

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A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO SERVICE OF PROCESS; PROVIDING THAT SUBSTITUTE SERVICE MAY BE MADE TO ANYONE OVER 16 YEARS OF AGE WHO RESIDES AT THE SAME RESIDENCE AS THE NAMED PERSON; AND REQUIRING THE PROCESS SERVER TO PREPARE AN AFFIDAVIT DOCUMENTING THE NAME OF THE SUBSTITUTE RECIPIENT AND THE TIME AND PLACE OF SERVICE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Substitute service.** Except for temporary restraining orders or petitions for dissolution, a law enforcement officer or licensed process server may serve any other process, summons, subpoena, eviction notice, or other papers on any other person who resides at the dwelling of the person named in the process and is at least 16 years of age. The substitute recipient of process must be advised that the process must be provided to the named person as soon as is practicable. Following service on a substitute recipient, the process server shall provide an affidavit stating the name of the substitute recipient or a statement that the substitute recipient refused to provide a name, the time and place of service, and the relationship of the substitute recipient to the named person. Service made pursuant to this section constitutes legal service on the named person.

NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 25, chapter 3, part 2, and the provisions of Title 25, chapter 3, part 2, apply to [section 1].

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