

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Civil Justice & Claims
 2 Subcommittee

3 Representative Redondo offered the following:

4

5 **Amendment**

6 Remove lines 180-223 and insert:

7 additional time as the court allows. The affidavit of compliance
 8 must set forth the facts that justify such substituted service
 9 ~~under this section~~ and must contain sufficient facts showing:

10 (a) That ~~show~~ due diligence was exercised in attempting to
 11 locate and effectuate personal service on the party; and

12 (b) To the extent applicable, the party's nonresidence, or
 13 concealment, or that the party is a business entity for which
 14 substituted service is otherwise authorized by law ~~before using~~
 15 ~~substituted service under this section.~~ The party effectuating
 16 service does not need to allege in its original or amended

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17 | complaint the facts required to be set forth in the affidavit of
18 | compliance.

19 | ~~(4)-(3)~~ When an individual or a business entity conceals
20 | its whereabouts, the party seeking to effectuate service may,
21 | after exercising due diligence to locate and effectuate personal
22 | service, ~~may~~ use substituted service pursuant to subsection (1)
23 | in connection with any action in which the court has
24 | jurisdiction over such individual or business entity. The party
25 | seeking to effectuate service must also comply with subsection
26 | (3) ~~(2)~~; however, a return receipt or other proof showing
27 | acceptance of receipt of the notice of service and a copy of the
28 | process by the concealed party need not be filed.

29 | ~~(5)-(4)~~ The party effectuating service is considered to
30 | have used due diligence if that party:

31 | (a) Made diligent inquiry and exerted an honest and
32 | conscientious effort appropriate to the circumstances to acquire
33 | the information necessary to effectuate personal service;

34 | (b) In seeking to effectuate personal service, reasonably
35 | employed the knowledge at the party's command, including
36 | knowledge obtained pursuant to paragraph (a); and

37 | (c) Made an appropriate number of attempts to serve the
38 | party, taking into account the particular circumstances, during
39 | such times when and where such party is reasonably likely to be
40 | found, as determined through resources reasonably available to
41 | the party seeking to secure service of process.

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42 ~~(6)-(5)~~ If any individual on whom service of process is
43 authorized under subsection (1) dies, service may be made in the
44 same manner on his or her administrator, executor, curator, or
45 personal representative.

46 ~~(7)-(6)~~ The Secretary of State may designate an individual
47 in his or her office to accept service.

48 ~~(8)-(7)~~ Service of process is effectuated under this
49 section on the date the ~~service is received by the Department of~~
50 State affidavit of compliance is filed, or the date when the
51 notice of service requirements under subsection (3) is
52 completed, whichever is later.
53