

SENATE BILL 1525

By Burchett

AN ACT to amend Tennessee Code Annotated, Title 62,  
relative to the regulation of private process  
servers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 62, is amended by adding the following new sections as Chapter 45:

Section 62-45-101. This chapter shall be known and may be cited as the "Private Process Servers Regulatory Act of 2009".

Section 62-45-102. The purpose of this chapter is to insure that any and all process and writs issued by the courts of Tennessee that are by law or rule of court permitted to be served by private process servers are served efficiently and responsibly by registered, trained and insured professionals.

Section 62-45-103.

(a) Except as provided in § 62-45-107, by October 1, 2009, no private person shall serve process in this state unless they have met the requirements of this part and been issued a certificate with the department of commerce and insurance.

(b) A person wishing to register as a private process server shall make application to the department on forms provided by the department and attach to the application proof that such person has met all the training requirements of § 62-45-106, has the liability insurance required by § 62-45-105, and has fulfilled any other standards required by this chapter.

(c) If the department determines that the documentation sent by the process server complies with the requirements of this chapter, it shall register the person as a private process server and issue the person a registration certificate and card.

(d) Any person who is registered with the department, meets the requirements of this chapter and is otherwise authorized by statute or rule of court to serve process may lawfully serve process within this state.

(e) The department shall promulgate all rules necessary for the administration of this chapter, including establishment of necessary application and registration fees and the creation of an application form.

Section 62-45-104.

(a) Any person who is properly registered with the department as a private process server and who desires to serve process permitted by law or rule of court to be served by private process servers in this state, shall file the following with the clerk of each court from which such process will issue:

- (1) The name of the private process server;
- (2) The home and work address of the private process server;
- (3) The home and work telephone number of the private process server and any other number at which such server may be contacted;
- (4) A copy of the driver license of the private process server;
- (5) A statement affirming that the private process server is a citizen of the United States;
- (6) Proof of general liability insurance in the amounts required by § 62-45-105;

(7) A copy of the person's private process server registration certificate issued by the department of commerce and insurance; and

(8) Any other reasonable information requested by the clerk.

(b) In addition to the requirements otherwise provided in this chapter, each private process server must be in compliance with the ethical standards established for process servers by a recognized state professional private process server association or any such nationally recognized organization that is established, in whole or in part, to act as a training, educational or service organization for process servers. Upon request of the clerk, the process server shall furnish proof of such ethical compliance to the clerk.

#### Section 62-45-105.

(a) Any person who is not a governmental employee and who desires to serve process or the employer of such person is required to comply with all applicable laws governing workers compensation.

(b) Any non-governmental process server who has satisfactorily completed the training requirements of § 62-45-106, shall be required to carry at all times liability coverage of at least two hundred fifty thousand dollars (\$250,000) of blanket general liability insurance, errors and omissions.

#### Section 62-45-106.

(a) All persons who are not a governmental employee who serve or will be serving process shall, over a two-year cycle, complete at least twelve (12) hours of training relative to the various legal, procedural and safety aspects involved in the service of process. The training shall be provided by department approved entities such as those set out in subsection (b). However, if no training

programs are offered, the training requirement shall be suspended, until such time as sufficient training programs are offered.

(b) To accomplish the goal of providing training to private process servers, entities in the public sector are authorized and encouraged to develop and offer programs designed to instruct and educate private process servers and potential private process servers in the lawful, efficient and safe practice of such profession. The entities that may offer training programs include, but are not limited to, the Tennessee law enforcement training academy and a recognized state professional private process server association.

#### Section 62-45-107

(a) The following persons named in this section are not required to register with the department in order to serve process, but any such person may register:

(1) A government employee; or

(2) An attorney who is not a party to the case or an employee of that attorney.

SECTION 2. For the purpose of the department promulgating rules to implement the provisions of this act it shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2010, the public welfare requiring it.