

FIRST REGULAR SESSION

HOUSE BILL NO. 396

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE NANCE.

0654L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 506.150, RSMo, and to enact in lieu thereof one new section relating to the service of summons and petition.

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Section A. Section 506.150, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 506.150, to read as follows:

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

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

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

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

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 if the agent is one authorized by statute to receive service and the statute so requires, by also
18 mailing a copy to the defendant;

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

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

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

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

41 4. Service of the summons and petition upon a defendant of any class referred to in
42 subdivision (1) or (3) of subsection 1 of this section may be made by the plaintiff or by any
43 person authorized to serve process pursuant to section 506.140, by mailing a copy of the
44 summons and petition by first-class mail, postage prepaid, to the person to be served, together
45 with two copies of a notice and acknowledgment conforming substantially to the form contained
46 in subsection 5 of this section and a return envelope, postage prepaid, addressed to the sender.
47 If no acknowledgment of service under this subsection is received by the sender within thirty
48 days after the date of mailing, service of the summons and petition shall be made as otherwise
49 provided by this section or supreme court rule. Unless good cause is shown for not doing so, the
50 court shall order the payment of the costs of personal service by the person served if such person
51 does not complete and return within thirty days after mailing the notice and acknowledgment of
52 receipt of summons.

53 5. The acknowledgment form required by subsection 4 of this section shall be
54 substantially as follows:

55 Notice and Acknowledgment for Service by Mail

56 Circuit Court for County

57 Division

58 Civil Action, File Number

59 A.B.,)

60)

61 Plaintiff,)

62)

63 vs.)

64)

65 C.D.,)

66)

67 Defendant.)

68

69 NOTICE AND ACKNOWLEDGMENT

70 OF RECEIPT OF SUMMONS

71 AND PETITION NOTICE

72

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

74 The enclosed summons and petition are served pursuant to section 506.150, RSMo.

75 You must complete the acknowledgment part of this form and return one copy of the
76 completed form to the sender within thirty days.

77 You must sign and date the acknowledgment. If you are served on behalf of a
78 corporation, unincorporated association, including a partnership, or other entity, you must
79 indicate under your signature your relationship to that entity. If you are served on behalf of
80 another person and you are authorized to receive process, you must indicate under your signature
81 your authority.

82 If you do not complete and return the form to the sender within thirty days, you or the
83 party on whose behalf you are being served may be required to pay any expenses incurred in
84 serving a summons and petition in any other manner permitted by law.

85 If you do complete and return this form, you or the party on whose behalf you are being
86 served must answer the petition within thirty days. If you fail to do so, judgment by default will
87 be taken against you for the relief demanded in the petition.

88 I declare, under penalty of filing a false affidavit, that this Notice and Acknowledgment
89 of Receipt of Summons and Petition was mailed on (insert date).

90

91 Signature

92

93 Relationship to Entity/Authority to Receive Service of Process

94

95 (Date of Signature)

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