

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 265

Short Title: Service of Process.

(Public)

Sponsors: Representatives McCrary, R. Hunter, and Michaux.

Referred to: Judiciary I.

February 23, 1995

A BILL TO BE ENTITLED

1 AN ACT TO ALLOW SERVICE OF PROCESS BY A PRIVATE PROCESS SERVER
2 WHEN A PROPER OFFICER RETURNS SERVICE OF PROCESS
3 UNEXECUTED.
4

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 1A-1, Rule 4(h), reads as rewritten:

7 "(h) Summons – When proper officer not available. – If at anytime there is not in a
8 county a proper officer, capable of executing process, to whom summons or other process
9 can be delivered for service, or if a proper officer refuses or neglects to execute such
10 process, or if a proper officer returns such process unexecuted, or if such officer is a party
11 to or otherwise interested in the action or proceeding, the clerk of the issuing court, upon
12 the facts being verified before him by written affidavit of the plaintiff or his agent or
13 attorney, shall appoint some suitable person who, after he accepts such process for
14 service, shall execute such process in the same manner, with like effect, and subject to the
15 same liabilities, as if such person were a proper officer regularly serving process in that
16 county. In an action in which a proper officer returns the process unexecuted, the
17 plaintiff or his agent or attorney shall submit to the clerk the name of some suitable
18 person to execute service of process; that person shall be compensated, if at all, by the
19 plaintiff or his agent or attorney, shall not be a party to the action and shall not be less
20 than 21 years of age."

1 Sec. 2. This act becomes effective October 1, 1995, and applies to actions that
2 are filed or have not reached final judgment on or after that date.