

PROCESS SERVERS
Section 22350 Business & Professions Code

NECESSITY OF FILING REGISTRATION CERTIFICATE – Section 22350

- a) Any natural person who makes more than 10 services of process within this county during one calendar year, for specific compensation or in expectation of specific compensation, where such compensation is directly attributable to the service of process, shall file and maintain a verified certificate of registration as a process server with the county clerk of the county in which he or she resides or has his or her principal place of business. Any corporation or partnership that derives or expects to derive compensation from service of process within this state shall also file and maintain a verified certificate of registration as a process server with the county clerk of the county in which the corporation or partnership has its principal place of business.

- b) This chapter shall not apply to any of the following:**
 - 1. Any sheriff, marshal, or government employee who is acting within the course of his or her employment.
 - 2. An attorney or his or her employees.
 - 3. Any person who is specially appointed by a court to serve its process.
 - 4. A licensed private investigator or his or her employees.
 - 5. A professional photocopier registered under Section 22450, or an employee thereof, whose only service of process relates to subpoenas for the production of records, which subpoenas specify that the records be copied by that registered professional photocopier.

CONTENT OF CERTIFICATE – Section 22351

- a) The certificate of registration of a registrant who is a natural person shall contain the following:
 - 1. The name, age, address, and telephone number of the registrant.
 - 2. A statement, signed by the registrant under penalty of perjury, that the registrant has not been convicted of a felony, a copy of a certificate of rehabilitation, expungement, or pardon.
 - 3. A statement that the registrant has been a resident of this state for a period of one year immediately preceding the filing of the certificate.
 - 4. A statement that the registrant will perform his or her duties as a process server in compliance with the provisions of law governing the service of process in this state.

- b) The certificate of registration of a registrant who is a partnership or corporation shall contain the following:
 - 1. The names, ages, addresses, and telephone numbers of the general partners or officers.
 - 2. A statement, signed by the general partners or officers under penalty of perjury, that the general partners or officers have not been convicted of a felony.
 - 3. A statement that the partnership or corporation has been organized and existing continuously for a period of one year immediately preceding the filing of the certificate or a responsible managing employee, partner, or officer has been previously registered under this chapter.
 - 4. A statement that the partnership or corporation will perform its duties as a process server in compliance with the provisions of law governing the service of process in this state.

FINGERPRINTS – Section 22351.5 (LIVESCAN)

- a) At the time of filing the initial certificate of registration or for a current process server that has allowed their registration to lapse, the registrant shall also submit a completed Livescan Service Form for proof of submission the Department of Justice and the Federal Bureau of Investigations, to verify that the registrant has not been convicted of a felony.

****PLEASE NOTE: ALL NEW PROCESS SERVERS OR CURRENT PROCESS SERVERS THAT HAVE ALLOWED THEIR REGISTRATION TO LAPSE MUST SUBMIT A COMPLETED REQUEST FOR LIVSCAN SERVICE FORM TO THE COUNTY CLERK’S OFFICE. PLEASE REQUEST THIS FORM IF IT HAS NOT BEEN PROVIDED. THE FINGERPRINT FEE (APPROX. \$74.00) IS PAYABLE TO SHERIFF’S DEPARTMENT OR OTHER LIVE SCAN AGENCY (AT THE TIME OF SERVICE). YOU MUST COME INTO THE COUNTY CLERK’S OFFICE WITHIN 30 DAYS OF THE LIVSCAN SERVICE. THE SYSTEM ONLY ALLOWS US TO ACCESS THE INFORMATION FOR A SHORT PERIOD OF TIME.**

- b) If, after processing the fingerprints, the clerk is advised that the registrant has been convicted of a felony, the presiding judge of the Superior Court of the county in which the certificate of registration is maintained is authorized to review the criminal record and unless the registrant is able to produce a copy of a certificate of rehabilitation, expungement, or pardon, as specified in paragraph (2) of subdivision (a) of Section 22351, notify the registrant that the registration is revoked. An order to show cause for contempt may be issued and served upon any person who fails to surrender a registered process server identification card after a notice of revocation.

FEE – Section 22353

At the time of filing the initial certificate of registration, a registrant shall pay the following fees to the county clerk:

- a) The fee of one hundred dollars (\$100)
- b) The fee to cover the actual costs of issuing a registered process server identification card. (\$10.00)
- c) The fee for filing the bond. (\$7.00)

BOND – SECTION 22353

- a) A certificate of registration shall be accompanied by a bond of two thousand dollars (\$2,000) which is executed by an admitted surety insurer and conditioned upon compliance with the provisions of this chapter and all laws governing the service of process in this state. The total aggregate liability on the bond is limited to two thousand dollars (\$2,000). As an alternative to the bond, the registrant may deposit with the clerk, cash or money order in the amount of two thousand dollars (\$2,000).
- b) The County Clerk shall, upon filing of the bond, deliver the bond forthwith to the County Recorder for recording. The recording fee specified in Section 27361 of the Government Code shall be paid by the registered professional process server.
- c) The fee for filing, canceling, revoking, or withdrawing the bond is (\$7.00)
- d) The County Recorder shall record the bond and any notice of cancellation, revocation, or Withdrawal of the bond, and shall thereafter mail the instrument, unless specified to the contrary, to the person named in the instrument and, if no person named, to the party leaving it for recording. The recording fee specified in Section 27361 of the Government Code for the notice of cancellation, revocation, or withdrawal of the bond shall be paid to the county clerk, who shall transmit it to the county recorder.

DURATION OF CERTIFICATE – Section 22354

A certificate of registration shall be effective for a period of two years. Thereafter, a registrant shall file a new certificate of registration and pay the required by Section 22352.

REGISTER; MAINTENANCE BY COUNTY CLERK; RENEWAL – Section 22355

- a) The County Clerk shall maintain a register of process servers and assign a number and issue an identification card to each process server. Upon renewal of a certificate of registration the same number shall be assigned, **PROVIDED THERE IS NO LAPSE IN THE PERIOD OF REGISTRATION.**
- b) The identification card shall be a card 3 3/8 inches by 2 1/4 inches and shall contain at the top the title, “Registered Process Server”, followed by the registrant’s name, address, registration number, date of expiration, and county of registration. In the case of a natural person, it shall also contain a photograph of the registrant in the lower left corner.

TWO PASSPORT PHOTOGRAPHS MUST BE PRESENTED AT THE TIME OF REGISTRATION.

RESPONSIBILITY OF REGISTRANT – Section 22356

A registrant shall be responsible at all times for the good conduct of his or her employees acting within the course or scope of their employment, and any person acting as an independent contractor within the course or scope of the agency or relationship with the registrant.

Section 22356.5

- (a) In addition to the information required by subdivision (b) of Section 22360, any proof of service of any process which is signed by an independent contractor of a registrant under this chapter shall indicate that the proof of service was signed as an independent contractor of a registered process server. The proof of service shall indicate the county of registration and the number assigned pursuant to Section 22355 of both the independent contractor and the entity registered under this chapter.
- (b) No registrant shall permit any individual to sign any proof of service of any process as any independent contractor unless all of the following conditions are met:
 - (1) The independent contractor is performing pursuant to a written independent contractor agreement with the registrant.
 - (2) The independent contractor supplies proof of bonding under Section 22353, if applicable.
 - (3) The registrant exercises minimal supervision or control over the means of accomplishing the service of any process assigned by the registrant. The registrant may communicate a deadline for the service of process and request notification that such service has been completed.
 - (4) The registrant imposes no restrictions on the independent contractor's ability to perform services for other registered under this chapter.
 - (5) The independent contractor supplies proof that any required business licenses have been obtained.
- (c) Persons not meeting the criteria of subdivision (b) shall be treated as employees of the registrant while persons the criteria of subdivision (b) shall be treated as independent contractors.
- (d) This section shall not preclude an independent determination of employment under any other provision of the law.

Section 22357

- (a) Any person who recovers damages in any action or proceeding for injuries caused by a service of process which was made by a registrant and did not comply with the provisions of law governing the service of process in this state may recover the amount of the damages from the bond required by Section 22353.
- (b) Whenever there has been a recovery against a bond under subdivision (a), the registrant shall file a new bond or cash deposit within 30 days to reinstate the bond or cash deposit to the amount required by Section 22353. If the registrant does not file the bond within 30 days, the certificate of registration shall be revoked and the remainder of the bond forfeited to the county treasurer.

Section 22358

- (a) A certificate of registration may be revoked or suspended whenever it has been determined that the registrant has made a service of process, including service completed by an employee of independent contractor of the registrant, which does not comply with the provisions of law governing the service of process in this state or constitutes an improper service of process not amounting to a violation of law
- (b) An investigation concerning the revocation or suspension of a certificate of registration may be commenced at any time of the option of the county clerk if the county clerk deems it to be appropriate. A complaint by any person who has alleged that he or she has been injured by a service of process shall be investigated by the public prosecutor. The investigation shall determine if the registrant complied with the provisions of the law governing the service of process or constituted improper service of process not amounting to a violation of the law.
- (c) If the public prosecutor determines from the investigation that cause may exist for the suspension or revocation of the certificate of registration, he or she shall set the matter for hearing and give notice to the registrant. That hearing shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Division 3 of Title 2 of the Government Code except that the decision of administrative law judge shall be final. For purposes of those provisions, the public prosecutor shall be deemed to the agency.
- (d) If, after the hearing, the county clerk is notified after the decision has become effective that the administrative law judge has directed that the registrant's certificate be suspended or revoked, the county clerk shall forthwith suspend or revoke the certificate. If the certificate is revoked, the bond or cash deposit required by Section 22353 shall be forfeited to the county treasury subject to the right of a person to recover against the bond or cash deposit under Section 22357.

Section 22359

Any person who violates any of the provisions of this chapter is guilty of a misdemeanor.

Section 22360

Any proof of service of any process which is signed by a registrant under this chapter, shall indicate the county in which he or she is registered and the number assigned to him or her by Section 22355.

REGISTRATION AS PROCESS SERVER – NATURAL PERSON – B & P 22350 et seq.
ALL INFORMATION ON THIS FORM IS GIVEN UNDER PENALTY OF PERJURY

CERTIFICATE NUMBER: _____

(If a renewal a new # must be assigned if there is any lapse in the period of registration.)

EXPIRATION DATE: _____

(Two years from the date of filing)

Filing Certificate	\$100.00
Filing Bond	7.00
Photo ID Card	10.00
Total County Clerk Fee (cash or check):	\$117.00

PLUS ADDITIONAL FEES OF:

Processing fee for Livescan fingerprints (check payable to Monterey County Sheriff's Department) \$ 69.00

Recording of bond (check payable to Monterey Co. Recorder)
1st page of bond \$ 13.00
each additional page beyond the first page 3.00

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The undersigned declares that he/she is an individual natural person and that the following information is true and correct:

_____		_____
Full Name		Age

Address		

City	State	Zip Code

Telephone Number		

Have you ever been convicted of a felony?
 Yes No If yes, attach a copy of a certificate of rehabilitation, expungement or pardon.

Have you been a resident of this state for a period of one year immediately preceding the filing of this certificate?
 Yes No

Will you perform your duties as a process server in compliance with the provisions of law governing the service of process in this state?
 Yes No

The undersigned declares under penalty of perjury that the foregoing is true and correct.

Executed at _____ (City and State)
on _____ (Month, Day, Year)
by _____ (Signature of Individual)

REGISTRATION AS PROCESS SERVER- CORPORATION OR PARTNERSHIP-B & P 22350 et seq.
ALL INFORMATION ON THIS FORM IS GIVEN UNDER PENALTY OF PERJURY

CERTIFICATE NUMBER: _____

(If a renewal a new # must be assigned if there is any lapse in the period of registration.)

EXPIRATION DATE: _____

(Two years from the date of filing)

Filing Certificate	\$100.00
Filing Bond	7.00
Photo ID Card	10.00
Total County Clerk Fee (cash or check):	\$117.00

PLUS ADDITIONAL FEES OF:

Processing fee for Livescan fingerprints (check payable to Monterey County Sheriff's Department) \$ 69.00

Recording of bond (check payable to Monterey Co. Recorder)
1st page of bond \$ 13.00
each additional page beyond the first page 3.00

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The following named persons are:

- All of the general partners of the partnership
- All of the officers of the corporation

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION:

The partnership or corporation name is: _____

Name: _____ Age: _____

Title: _____

Address: _____

Telephone: _____

Name: _____ Age: _____

Title: _____

Address: _____

Telephone: _____

Name: _____ Age: _____

Title: _____

Address: _____

Telephone: _____

Name: _____ Age: _____
Title: _____
Address: _____
Telephone: _____

Name: _____ Age: _____
Title: _____
Address: _____
Telephone: _____

Name: _____ Age: _____
Title: _____
Address: _____
Telephone: _____

Name: _____ Age: _____
Title: _____
Address: _____
Telephone: _____

(ADDITIONAL PAGES MAY BE ATTACHED HERETO IF NEEDED FOR ADDITIONAL PARTNERS/OFFICERS)

ALL CORPORATE OFFICERS OR PARTNERSHIP GENERAL PARTNERS ARE EACH REQUIRED TO COMPLETE THE QUESTIONS ON THIS FORM AND TO SIGN WHERE INDICATED.

ALL CORPORATE OFFICERS OR PARTNERSHIP GENERAL PARTNERS ARE REQUIRED TO ANSWER EACH QUESTION.

Has the corporation or partnership been organized and existing for a period of one year immediately preceding the filing of this certificate, or has a responsible managing employee, partner, or officer previously been registered under this chapter?

Yes No

Will the corporation or partnership perform its duties as a process server in compliance with the provisions of law governing service in this state?

Yes No

Have you ever been convicted of a felony?

Yes No

The undersigned officer/partner declares under penalty of perjury that the foregoing is true and correct.

Executed at _____
(City and State)
on _____
(Month, Day, Year)
by _____
(Signature of Partner/Officer)

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Has the corporation or partnership been organized and existing for a period of one year immediately preceding the filing of this certificate, or has a responsible managing employee, partner, or officer previously been registered under this chapter?

Yes No

Will the corporation or partnership perform its duties as a process server in compliance with the provisions of law governing service in this state?

Yes No

Have you ever been convicted of a felony?

Yes No

The undersigned officer/partner declares under penalty of perjury that the foregoing is true and correct.

Executed at _____
(City and State)
on _____
(Month, Day, Year)
by _____
(Signature of Partner/Officer)

ALL CORPORATE OFFICERS OR PARTNERSHIP GENERAL PARTNERS ARE REQUIRED TO ANSWER EACH QUESTION.

Has the corporation or partnership been organized and existing for a period of one year immediately preceding the filing of this certificate, or has a responsible managing employee, partner, or officer previously been registered under this chapter?

Yes No

Will the corporation or partnership perform its duties as a process server in compliance with the provisions of law governing service in this state?

Yes No

Have you ever been convicted of a felony?

Yes No

The undersigned officer/partner declares under penalty of perjury that the foregoing is true and correct.

Executed at _____
(City and State)
on _____
(Month, Day, Year)
by _____
(Signature of Partner/Officer)

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Has the corporation or partnership been organized and existing for a period of one year immediately preceding the filing of this certificate, or has a responsible managing employee, partner, or officer previously been registered under this chapter?

Yes No

Will the corporation or partnership perform its duties as a process server in compliance with the provisions of law governing service in this state?

Yes No

Have you ever been convicted of a felony?

Yes No

The undersigned officer/partner declares under penalty of perjury that the foregoing is true and correct.

Executed at _____
(City and State)
on _____
(Month, Day, Year)
by _____
(Signature of Partner/Officer)