



March 31, 2015

ENGROSSED SENATE BILL No. 2

DIGEST OF SB 2 (Updated March 30, 2015 1:02 pm - DI 123)

Citations Affected: IC 33-32.

Synopsis: Service of process. Specifies that "registered or certified mail" includes any means of delivery that provides a return receipt. Provides that the cost of service to not more than two parties may be paid from court fees. Requires a person who requests a circuit court clerk to send an additional mailing by registered or certified mail to provide: (1) an addressed envelope with postage prepaid; (2) the United States Postal Service or other forms for registered or certified mail; and (3) the United States Postal Service fee or other fee for service by registered or certified mail.

Effective: July 1, 2015.

Steele, Waltz, Randolph

(HOUSE SPONSORS — MAYFIELD, COX)

January 6, 2015, read first time and referred to Committee on Judiciary.
January 22, 2015, amended, reported favorably — Do Pass.
January 26, 2015, read second time, ordered engrossed. Engrossed.
January 27, 2015, read third time, passed. Yeas 48, nays 0.

HOUSE ACTION

March 2, 2015, read first time and referred to Committee on Judiciary.
March 30, 2015, reported — Do Pass.

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March 31, 2015

First Regular Session 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

ENGROSSED SENATE BILL No. 2

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 33-32-2-10, AS ADDED BY P.L.78-2014,
2 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]: Sec. 10. (a) **The following definitions apply
4 throughout this section:**
5 (1) **"Initial mailing" means the service of a complaint,
6 pleading, or similar document on a party upon the
7 commencement of an action. The term does not include any
8 subsequent service, including subsequent service on a party
9 who could have been or should have been served at the
10 commencement of the action.**
11 (2) **"Registered or certified mail" includes any means of
12 delivery that provides a return receipt.**
13 (b) This section applies whenever the clerk is required to send by
14 registered or certified mail a document filed with a court.
15 (c) The initial mailing of the document by registered or certified
16 mail sent:

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- 1 (1) to ~~each party~~ **not more than two (2) parties** who ~~is~~ **are**
 2 required to receive the mailing; and
 3 (2) to only one (1) of the party's addresses;
 4 shall be paid out of court costs and fees collected under IC 33-37.
 5 ~~(c)~~ **(d)** If a person requests the clerk to send a mailing by registered
 6 or certified mail after the initial mailing described in subsection ~~(b)~~; **(c)**
 7 **or to an additional person or party beyond the two (2) parties**
 8 **described in subsection (c)**, the person shall ~~pay the cost of the~~
 9 ~~mailing; provide the clerk with the following:~~
 10 (1) **An envelope with sufficient postage affixed, addressed to**
 11 **the recipient with the address of the clerk's office as the**
 12 **return address.**
 13 (2) **The United States Postal Service or other forms for**
 14 **registered or certified mail. If return receipt is requested, the**
 15 **forms must be completed so that the clerk's office receives the**
 16 **return receipt.**
 17 (3) **The United States Postal Service or other fee for the**
 18 **appropriate service by registered or certified mail and return**
 19 **receipt, if requested.**
 20 **The clerk may not collect any additional fee for sending a**
 21 **mailing.**
 22 ~~(d)~~ **(e)** In a county where court postage costs are paid by the clerk's
 23 office, the amount collected by the clerk for additional mailings by
 24 registered or certified mail shall be deposited into the clerk's record
 25 perpetuation fund established under IC 33-37-5-2. In a county where
 26 court postage costs are paid out of the county general fund, the amount
 27 collected by the clerk for additional mailings by registered or certified
 28 mail shall be returned to the county general fund.



COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 2, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 3, after "(a)" insert "**The following definitions apply throughout this section:**

(1) "Initial mailing" means the service of a complaint, pleading, or similar document on a party upon the commencement of an action. The term does not include any subsequent service, including subsequent service on a party who could have been or should have been served at the commencement of the action.

(2) "Registered or certified mail" includes any means of delivery that provides a return receipt.

(b)".

Page 1, line 6, strike "(b)" and insert "(c)".

Page 1, line 6, delete "Except as provided in subsection (e), the" and insert "The".

Page 1, line 8, strike "each party" and insert "**not more than two (2) parties**".

Page 1, line 8, strike "is" and insert "**are**".

Page 1, line 11, strike "(c)" and insert "**(d)**".

Page 1, line 12, strike "(b)," and insert "**(c) or to an additional person or party beyond the two (2) parties described in subsection (c),**".

Page 1, line 13, strike "pay the cost of the mailing." and insert "**provide the clerk with the following:**

(1) An envelope with sufficient postage affixed, addressed to the recipient with the address of the clerk's office as the return address.

(2) The United States Postal Service or other forms for registered or certified mail. If return receipt is requested, the forms must be completed so that the clerk's office receives the return receipt.

(3) The United States Postal Service or other fee for the appropriate service by registered or certified mail and return receipt, if requested.

The clerk may not collect any additional fee for sending a



mailing."

Page 1, line 14, strike "(d)" and insert "(e)".

Page 2, delete lines 5 through 9.

and when so amended that said bill do pass.

(Reference is to SB 2 as introduced.)

STEELE, Chairperson

Committee Vote: Yeas 8, Nays 0.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 2, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 2 as printed January 23, 2015.)

STEUERWALD

Committee Vote: Yeas 10, Nays 0

