

## PROOF OF SERVICE OF PROCESS

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<http://www.house.mi.gov/hfa>

**Senate Bill 244 (S-2) as passed by the Senate**  
**Sponsor: Sen. Jim Runestad**  
**House Committee: Judiciary**  
**Senate Committee: Judiciary and Public Safety**  
**Complete to 1-11-22**

Analysis available at  
<http://www.legislature.mi.gov>

## SUMMARY:

Senate Bill 244 would amend the Revised Judicature Act to modify procedures for providing proof of service of process under the act.

Service of process refers to the formal procedure by which a party to a lawsuit is notified that a legal action has been initiated. The documents served—a court summons and a copy of the plaintiff’s complaint—are collectively referred to as “process” and give a defendant the notice required for the court to exercise personal jurisdiction over the defendant. Service can be either personal/actual or constructive/substituted, with personal service referring to actual delivery to the person to whom it is directed and constructive service referring to any other method of service allowed by law instead of personal service, such as service by mail.

Currently under the Revised Judicature Act, proof of service of process may be made by one of the following methods:

- Written acknowledgment of the receipt of the process.
- If service is made in Michigan by either of the following, a certificate stating the facts of service:
  - A sheriff.
  - A deputy sheriff, medical examiner, bailiff, or constable who holds office in a county where the court issuing the process is held or a deputy of such an officer.
- If service is made by any other person, an affidavit stating the facts of service and indicating the person’s official capacity, if any.

The bill would retain the first method without substantive change. It would amend the second to change “bailiff” to “court officer” and to no longer require that the specified officers must hold office in the county of the court issuing the process. It would amend the third to allow, instead of an affidavit, a written statement of the facts of service that is signed and dated and verified by a statement that the individual asserts the truth of the proof of service under penalty of perjury. In addition, the bill would no longer require the individual to indicate any official capacity he or she has.

Under the bill, then, proof of service could be made by one of the following methods:

- Written acknowledgment of the receipt of the process.
- If service is made in Michigan by a sheriff or by a deputy sheriff, medical examiner, court officer, or constable or a deputy of such an officer, a certificate stating the facts of service.

- If service is made by any other individual, a written statement of the facts of service that is signed and dated and verified by the following statement: “I declare under the penalty of perjury that this proof of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.”

The bill would take effect 180 days after being enacted.

MCL 600.1910

**FISCAL IMPACT:**

Senate Bill 244 would have no fiscal impact on the state or on local units of government.

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