

Amendment No. 1 to HB1886

Farmer  
Signature of Sponsor

**AMEND Senate Bill No. 1740\***

**House Bill No. 1886**

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 16-15-903(10), is amended by deleting the subdivision in its entirety and substituting instead the following:

(10) Service by mail of a warrant, writ, or other papers upon a defendant may be made by the plaintiff, the plaintiff's attorney, or by any person authorized by statute.

After the complaint, warrant, writ, or other papers are filed, the clerk shall, upon request, furnish the original warrant, writ, or other papers, a certified copy of the original warrant, writ, or other paper, and a copy of the filed warrant, writ, or other papers to the plaintiff, the plaintiff's attorney, or other authorized person for service by mail. Such person shall send, postage prepaid, a certified copy of the warrant, writ, or other papers by registered return receipt or certified return receipt mail to the defendant. The original warrant, writ, or other papers shall be used for return of service of process. Service by mail shall not be the basis for the entry of a judgment by default unless the record contains a return receipt showing personal acceptance by the defendant or by persons designated by this section. If the defendant is a domestic corporation, or a foreign corporation authorized to conduct business in this state, a refusal to accept delivery shall be the basis for a default judgment only where the request for default is accompanied by evidence from the Tennessee secretary of state showing that the moving party made the certified mail service with the correct entity name and the correct name and address for the registered agent authorized by law to receive service of process. If service by mail is unsuccessful,

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it may be attempted again or other methods authorized by this title or by statute may be used.

SECTION 2. Tennessee Code Annotated, Section 16-15-904(e), is amended by deleting the subsection in its entirety and substituting instead the following:

(e) When service of a warrant, writ, or other papers is provided for or permitted by registered or certified mail under the laws of this state, and the addressee, or the addressee's agent, refuses to accept delivery, and it is so stated in the return receipt of the United States postal service, the written return receipt, if returned and filed in the action, shall be deemed an actual and valid service of the warrant, writ, or other papers. Service by mail is complete upon mailing. Service by mail shall not be the basis for the entry of a judgment by default unless the record contains either:

(1) A return receipt showing personal acceptance by the defendant or by persons designated by statute; or

(2) A return receipt stating that the addressee or the addressee's agent refused to accept delivery, which is deemed to be personal acceptance by the defendant pursuant to this subsection (e).

SECTION 3. This act shall take effect July 1, 2018, the public welfare requiring it, and shall apply to service of process sent by registered or certified mail on or after that date.