

State of Arizona  
House of Representatives  
Forty-fifth Legislature  
First Regular Session  
2001

CHAPTER 307

# HOUSE BILL 2489

AN ACT

AMENDING SECTION 11-445, ARIZONA REVISED STATUTES; RELATING TO CIVIL PROCEEDINGS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 11-445, Arizona Revised Statutes, is amended to  
3 read:

4 11-445. Fees chargeable in civil actions by sheriffs,  
5 constables and private process servers; authority of  
6 private process servers; background investigation;  
7 constables' records

8 A. The sheriff shall receive the following fees in civil actions:

9 1. Serving each true copy of the original summons in a civil suit, ten  
10 SIXTEEN dollars.

11 2. Summoning each witness, ~~ten~~ SIXTEEN dollars.

12 3. Levying and returning each writ of attachment or claim and  
13 delivery, ~~thirty~~ FORTY-EIGHT dollars.

14 4. Taking and approving each bond and returning it to the proper court  
15 when necessary, ~~seven dollars fifty cents~~ TWELVE DOLLARS.

16 5. Endorsing the forfeiture of any bond required to be endorsed by  
17 him, ~~seven dollars fifty cents~~ TWELVE DOLLARS.

18 6. Levying each execution, ~~fifteen~~ TWENTY-FOUR dollars.

19 7. Returning each execution, ~~ten~~ SIXTEEN dollars.

20 8. Executing and returning each writ of possession or restitution,  
21 ~~thirty~~ FORTY-EIGHT dollars plus a rate of ~~twenty-five~~ FORTY dollars per hour  
22 per deputy for the actual time spent in excess of three hours.

23 9. Posting the advertisement for sale under execution, or any order  
24 of sale, ~~seven dollars fifty cents~~ TWELVE DOLLARS.

25 10. Posting or serving any notice, process, writ, order, pleading or  
26 paper required or permitted by law, not otherwise provided for, ~~ten~~ SIXTEEN  
27 dollars.

28 11. Executing a deed to each purchaser of real property under execution  
29 or order of sale, ~~fifteen~~ TWENTY-FOUR dollars.

30 12. Executing a bill of sale to each purchaser of real and personal  
31 property under an execution or order of sale, when demanded by the purchaser,  
32 ~~ten~~ SIXTEEN dollars.

33 13. For services in designating a homestead or other exempt property,  
34 ~~seven dollars fifty cents~~ TWELVE DOLLARS.

35 14. For receiving and paying money on redemption and issuing a  
36 certificate of redemption, ~~fifteen~~ TWENTY-FOUR dollars.

37 15. Serving and returning each writ of garnishment and related papers,  
38 ~~twenty-five~~ FORTY dollars.

39 16. For the preparation, including notarization, of each affidavit of  
40 service or other document pertaining to service, ~~five~~ EIGHT dollars.

41 B. The sheriff shall also collect the appropriate recording fees where  
42 IF applicable and other appropriate disbursements.

43 C. The sheriff may charge:

44 1. ~~Thirty-five~~ FIFTY-SIX dollars plus disbursements for any skip  
45 tracing services performed.

1           2. A reasonable fee for storing personal property levied on pursuant  
2 to title 12, chapter 9.

3           D. For traveling to serve or on each attempt to serve civil process,  
4 writs, orders, pleadings or papers, the sheriff shall receive ~~one dollar~~  
5 ~~fifty cents~~ TWO DOLLARS FORTY CENTS for each mile actually and necessarily  
6 traveled but, in any event, not to exceed two hundred miles, nor to be less  
7 than ~~ten~~ SIXTEEN dollars. Mileage shall be charged one way only. For  
8 service made or attempted at the same time and place, regardless of the  
9 number of parties or the number of papers so served or attempted, only one  
10 charge for travel fees shall be made for such service or attempted service.

11           E. For collecting money on an execution when it is made by sale, the  
12 sheriff and the constable shall receive ~~five~~ EIGHT dollars for each one  
13 hundred dollars or major portion thereof not to exceed a total of two  
14 thousand dollars, but when money is collected by the sheriff without a sale,  
15 only one-half of such fee shall be allowed. When satisfaction or partial  
16 satisfaction of a judgment is received by the judgment creditor after the  
17 sheriff or constable has received an execution on the judgment, the  
18 commission is due the sheriff or constable and is established by an affidavit  
19 of the judgment creditor filed with the officer. If the affidavit is not  
20 lodged with the officer within thirty days of the request, the commission  
21 shall be based on the total amount of judgment due as billed by the officer  
22 and may be collected as any other debt by that officer.

23           F. The sheriff shall be allowed for all process issued from the  
24 supreme court and served by him THE SHERIFF the same fees as are allowed him  
25 THE SHERIFF for similar services upon process issued from the superior court.

26           G. The constable shall receive the same fees as the sheriff for  
27 performing the same services in civil actions, except that mileage shall be  
28 computed from the office of the justice of the peace originating the civil  
29 action to the place of service.

30           H. Private process servers duly appointed or registered pursuant to  
31 rules established by the supreme court may serve all process, writs, orders,  
32 pleadings or papers required or permitted by law to be served prior to,  
33 during, or independently of a court action, including all such as are  
34 required or permitted to be served by a sheriff or constable, except writs  
35 or orders requiring the service officer to sell, deliver or take into his THE  
36 OFFICER'S custody persons or property, or as may otherwise be limited by rule  
37 established by the supreme court. A private process server is an officer of  
38 the court. As a condition of registration, the supreme court shall require  
39 each private process server applicant to furnish a full set of fingerprints  
40 to enable a criminal background investigation to be conducted to determine  
41 the suitability of the applicant. The completed applicant fingerprint card  
42 shall be submitted with the fee prescribed in section 41-1750 to the  
43 department of public safety. The applicant shall bear the cost of obtaining  
44 the applicant's criminal history RECORD information. The cost shall not  
45 exceed the actual cost of obtaining the applicant's criminal history RECORD

1 information. Applicant criminal history records checks shall be conducted  
2 pursuant to section 41-1750 and Public Law 92-544. The department of public  
3 safety is authorized to exchange the submitted applicant fingerprint card  
4 information with the federal bureau of investigation for a national FEDERAL  
5 criminal history records check. A private process server may charge such  
6 fees for his services as may be agreed upon between him THE PROCESS SERVER  
7 and the party engaging him THE PROCESS SERVER. However, a party adjudged  
8 entitled to recover his costs of suit in any civil action shall be awarded  
9 in any such judgment or order for the costs of service made by a private  
10 process server only the amount actually charged the party by such private  
11 process server or the amount which a sheriff or constable would have been  
12 authorized to charge the party for the same service, whichever is less.

13 I. Constables shall maintain a record of work related activities  
14 including all processes served by case number and the names of the plaintiffs  
15 and defendants. The record is a public record and shall be made available  
16 by the constable at his THE CONSTABLE'S office during regular office  
17 hours. Copies of the record shall be filed annually in the justice court.

APPROVED BY THE GOVERNOR MAY 1, 2001.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 1, 2001.

Passed the House March 07, 2001,

Passed the Senate April 10, 2001,

by the following vote: 50 Ayes,  
9 Nays, 1 Not Voting

by the following vote: 20 Ayes,  
9 Nays, 1 Not Voting

[Signature]  
Speaker of the House

[Signature]  
President of the Senate

[Signature]  
Chief Clerk of the House

[Signature]  
Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR**

This Bill was received by the Governor this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary to the Governor

Approved this \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_,  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of Arizona

**H.B. 2489**

**EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE**

This Bill was received by the Secretary of State  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State

HOUSE CONCURS IN SENATE  
AMENDMENTS AND FINAL PASSAGE

April 25, 2001,

by the following vote: 43 Ayes,

14 Nays, 3 Not Voting

Jake Fluke  
Speaker of the House  
Pro Tempore  
Norman L. Moore  
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

26 day of April, 2001,

at 8:55 o'clock A M.

Jandra Ramirez  
Secretary to the Governor

Approved this first day of

May, 2001,

at 10:10 o'clock 4 M.

Janice McMillan  
Governor of Arizona

H.B. 2489

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 1 day of May, 2001,

at 4:45 o'clock P M.

Stephany Taylor  
Secretary of State