

2020 SESSION

INTRODUCED

20100889D

HOUSE BILL NO. 780

Offered January 8, 2020

Prefiled January 7, 2020

A *BILL to amend and reenact § 8.01-325 of the Code of Virginia, relating to returns of service; acceptance of copies of proof of service.*

Patron—Roem

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-325 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-325. Return by person serving process.

A. Unless otherwise directed by the court, the person serving process shall make return thereof to the clerk's office within seventy-two hours of service, except when such return would be due on a Saturday, Sunday, or legal holiday. In such case, the return is due on the next day following such Saturday, Sunday, or legal holiday. The process shall state thereon the date and manner of service and the name of the party served.

B. Proof of service shall be in the following manner:

1. If service by sheriff, the form of the return of such sheriff as provided by the Rules of the Supreme Court; or

2. If service by any other person qualified under § 8.01-293, whether service made in or out of the Commonwealth, his affidavit of such qualifications; the date and manner of service and the name of the party served; and stamped, typed, or printed on the return of process, an annotation that the service was by a private server, and the name, address, and telephone number of the server; or

3. In case of service by publication, the affidavit of the publisher or his agent giving the dates of publication and an accompanying copy of the published order.

C. *The clerk's office shall accept a photocopy, facsimile, or other copy of the original proof of service as if it were an original.*

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