

AMENDMENTS TO LB 352

Introduced by Judiciary.

1           1. Strike the original sections and insert the following  
2 new sections:

3           Section 1. Section 25-505.01, Revised Statutes  
4 Supplement, 2009, is amended to read:

5           25-505.01 (1) Unless otherwise limited by statute or by  
6 the court, a plaintiff may elect to have service made by any of the  
7 following methods:

8           (a) Personal service which shall be made by leaving the  
9 summons with the individual to be served;

10          (b) Residence service which shall be made by leaving the  
11 summons at the usual place of residence of the individual to be  
12 served, with some person of suitable age and discretion residing  
13 therein;

14          (c) Certified mail service which shall be made by (i)  
15 within ten days of issuance, sending the summons to the ~~defendant~~  
16 individual to be served by certified mail with a return receipt  
17 requested showing to whom and where delivered and the date of  
18 delivery, and (ii) filing with the court proof of service with the  
19 signed receipt attached; or

20          ~~(d) By depositing with a designated delivery service~~  
21 ~~authorized pursuant to 26 U.S.C. 7502(f)(2) a copy of the summons~~  
22 ~~and complaint, addressed to the party to be served, delivering to~~  
23 ~~the addressee, and obtaining a delivery receipt. As used in this~~

1 ~~subdivision, delivery receipt includes an electronic or facsimile~~  
2 ~~receipt.~~

3 (d) Designated delivery service which shall be made  
4 by (i) within ten days of issuance, sending the summons by  
5 a designated delivery service to the individual or entity to  
6 be served, (ii) obtaining a signed delivery receipt showing to  
7 whom and where delivered and the date of delivery, and (iii)  
8 filing with the court proof of service with a copy of the  
9 signed delivery receipt attached. As used in this subdivision, a  
10 designated delivery service means a delivery service designated as  
11 such pursuant to 26 U.S.C. section 7502(f) and a signed delivery  
12 receipt includes an electronic or facsimile receipt with an image  
13 of the recipient's signature.

14 (2) Failure to make service by the method elected by the  
15 plaintiff does not affect the validity of the service.

16 (3) The State Court Administrator shall maintain on the  
17 web site of the Supreme Court a list of designated delivery  
18 services.

19 Sec. 2. Section 25-506.01, Revised Statutes Supplement,  
20 2009, is amended to read:

21 25-506.01 (1) Unless the plaintiff has elected certified  
22 mail service or designated delivery service, the summons shall be  
23 served by the sheriff of the county where service is made, by  
24 a person authorized by section 25-507 or otherwise authorized by  
25 law, or by a person, corporation, partnership, or limited liability  
26 company not a party to the action specially appointed by the court  
27 for that purpose.

1           (2) Certified mail service or designated delivery service  
2 shall be made by plaintiff or plaintiff's attorney.

3           Sec. 3. Section 25-507.01, Revised Statutes Supplement,  
4 2009, is amended to read:

5           25-507.01 (1) Within twenty days after the date of issue,  
6 the person serving the summons, other than by certified mail  
7 service or designated delivery service, shall make proof of service  
8 to the court stating the time, place, including the address if  
9 applicable, name of the person with whom the summons was left, and  
10 method of service, or return the unserved summons to the court with  
11 a statement of the reason for the failure to serve.

12           (2) When service is by certified mail service or  
13 designated delivery service, the plaintiff or plaintiff's attorney  
14 shall file proof of service within ten days after ~~return of~~  
15 the signed receipt is received or is available electronically,  
16 whichever occurs first.

17           (3) Failure to make proof of service or delay in doing so  
18 does not affect the validity of the service.

19           Sec. 4. Section 25-508.01, Reissue Revised Statutes of  
20 Nebraska, is amended to read:

21           25-508.01 (1) An individual party, other than a person  
22 under the age of fourteen years, may be served by personal,  
23 residence, ~~or~~ certified mail, or designated delivery service.

24           (2) A party under the age of fourteen years may be served  
25 by personal, residence, ~~or~~ certified mail, or designated delivery  
26 service upon an adult person with whom the minor resides and who is  
27 the minor's parent, guardian, or person having care of the minor.

1 If none of these can be found, a party under the age of fourteen  
2 years may be served by personal service.

3 (3) If the person to be served is an incapacitated  
4 person for whom a conservator or guardian has been appointed or is  
5 confined in any institution, notice of the service shall be given  
6 to the conservator, guardian, or superintendent or similar official  
7 of the institution. Failure to give such notice does not affect the  
8 validity of the service on the incapacitated person.

9 Sec. 5. Section 25-509.01, Reissue Revised Statutes of  
10 Nebraska, is amended to read:

11 25-509.01 A corporation may be served by personal,  
12 residence, ~~or~~ certified mail, or designated delivery service upon  
13 any officer, director, managing agent, or registered agent, or by  
14 leaving the process at the corporation's registered office with  
15 a person employed therein, or by certified mail or designated  
16 delivery service to the corporation's registered office.

17 Sec. 6. Section 25-510.02, Reissue Revised Statutes of  
18 Nebraska, is amended to read:

19 25-510.02 (1) The State of Nebraska, any state agency  
20 as defined in section 81-8,210, and any employee of the state as  
21 defined in section 81-8,210 sued in an official capacity may be  
22 served by leaving the summons at the office of the Attorney General  
23 with the Attorney General, deputy attorney general, or someone  
24 designated in writing by the Attorney General, or by certified  
25 mail or designated delivery service addressed to the office of the  
26 Attorney General.

27 (2) Any county, city, or village of this state may be

1 served by personal, residence, ~~or~~ certified mail, or designated  
2 delivery service upon the chief executive officer, or clerk.

3 (3) Any political subdivision of this state, as defined  
4 in subdivision (1) of section 13-903, other than a county, city, or  
5 village, may be served by personal, residence, ~~or~~ certified mail,  
6 or designated delivery service upon the chief executive officer,  
7 clerk, secretary, or other official whose duty it is to maintain  
8 the official records, or any member of the governing board or  
9 body, or by certified mail or designated delivery service to the  
10 principal office of the political subdivision.

11 Sec. 7. Section 25-511.02, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13 25-511.02 A dissolved corporation may be served by  
14 personal, residence, ~~or~~ certified mail, or designated delivery  
15 service upon any appointed receiver. If there is no receiver, a  
16 dissolved corporation may be served by personal, residence, ~~or~~  
17 certified mail, or designated delivery service upon any person  
18 who at the time of dissolution was an officer, director, managing  
19 agent, or registered agent, or upon any officer or director  
20 designated in the last annual report filed with the Secretary of  
21 State.

22 Sec. 8. Section 25-512.01, Reissue Revised Statutes of  
23 Nebraska, is amended to read:

24 25-512.01 A partnership or limited partnership may be  
25 served by personal, residence, ~~or~~ certified mail, or designated  
26 delivery service upon any partner except a limited partner, or by  
27 certified mail or designated delivery service at its usual place of

1 business, or the process may be left at its usual place of business  
2 with an employee of the partnership or limited partnership.

3           Sec. 9. Section 25-513.01, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5           25-513.01 An unincorporated association may be served  
6 by personal, residence, ~~or~~ certified mail, or designated delivery  
7 service upon an officer or managing agent, or by certified mail  
8 or designated delivery service to the association at its usual  
9 place of business, or by leaving the process at its usual place of  
10 business with an employee of the unincorporated association.

11           Sec. 10. Section 25-514.01, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13           25-514.01 Any party may be served by personal, residence,  
14 ~~or~~ certified mail, or designated delivery service upon an agent  
15 authorized by appointment or by law to receive service of process.

16           Sec. 11. Original sections 25-508.01, 25-509.01,  
17 25-510.02, 25-511.02, 25-512.01, 25-513.01, and 25-514.01, Reissue  
18 Revised Statutes of Nebraska, and sections 25-505.01, 25-506.01,  
19 and 25-507.01, Revised Statutes Supplement, 2009, are repealed.