GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

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SENATE DRS35280-LR-84A (03/13)

Short Title:	Amend Civil Procedure Rule 4.	(Public)
Sponsors:	Senator Snow.	
Referred to:		

A BILL TO BE ENTITLED

2 AN ACT AMENDING RULE 4 OF THE NORTH CAROLINA RULES OF CIVIL 3 PROCEDURE RELATING TO SERVICE OF PROCESS.

4 The General Assembly of North Carolina enacts: 5

SECTION 1. G.S. 1A-1, Rule 4(a) reads as rewritten:

Summons – Issuance; who may serve. – Upon the filing of the complaint, summons 6 "(a) shall be issued forthwith, and in any event within five days. The complaint and summons shall 7 be delivered to some proper person for service. In this State, such proper person shall be the 8 9 sheriff of the county where service is to be made or some other person duly authorized by law to serve summons. made, the sheriff's deputy, any person not less than 21 years of age who is 10 not a party, or some other person duly authorized by law to serve a summons. An authorized 11 person includes a private investigator duly licensed under Chapter 74C of the General Statutes. 12 Outside this State, such proper person shall be anyone who is not a party and is not less than 21 13 14 years of age or anyone duly authorized to serve summons by the law of the place where service is to be made. Upon request of the plaintiff separate or additional summons shall be issued 15 against any defendants. A summons is issued when, after being filled out and dated, it is signed 16 17 by the officer having authority to do so. The date the summons bears shall be prima facie evidence of the date of issue." 18 19 SECTION 2. This act becomes effective October 1, 2009, and applies to civil

20 actions instituted on or after that date.

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