

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 1090

Short Title: Amend Civil Procedure Rule 4.

(Public)

Sponsors: Senator Snow.

Referred to: Judiciary II.

March 31, 2009

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

"(a) Summons – Issuance; who may serve. – Upon the filing of the complaint, summons shall be issued forthwith, and in any event within five days. The complaint and summons shall be delivered to some proper person for service. In this State, such proper person shall be the 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 not a party, or some other person duly authorized by law to serve a summons. An authorized person includes a private investigator duly licensed under Chapter 74C of the General Statutes. Outside this State, such proper person shall be anyone who is not a party and is not less than 21 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 against any defendants. A summons is issued when, after being filled out and dated, it is signed by the officer having authority to do so. The date the summons bears shall be prima facie evidence of the date of issue."

SECTION 2. This act becomes effective October 1, 2009, and applies to civil actions instituted on or after that date.

