
SENATE COMMITTEE ON APPROPRIATIONS

Senator Anna Caballero, Chair
2025 - 2026 Regular Session

AB 747 (Kalra) - Service of Process Accountability, Reform and Equity (SPARE) Act

Version: August 18, 2025

Urgency: No

Hearing Date: August 25, 2025

Policy Vote: JUD. 11 - 1

Mandate: Yes

Consultant: Liah Burnley

Bill Summary: AB 747 makes various changes to laws related to service of process.

Fiscal Impact:

- Possible costs (local funds, General Fund) of an unknown but potentially significant amount to each county clerk's office that must make publicly available its register of process servers. County clerks may incur workload costs that are not covered by the existing fee structure and may seek state reimbursement. General Fund costs will depend on whether the duties imposed on county clerks by this bill constitute a reimbursable state mandate, as determined by the Commission on State Mandates.
- Unknown, potentially significant costs to the state funded trial court system (Trial Court Trust Fund, General Fund) to adjudicate motion to quash service or to set aside or vacate a default or default judgment. This bill may lead to additional filings that otherwise would not have been commenced, with attendant workload and resource costs to the court. The fiscal impact of this bill to the courts will depend on many unknowns, including the number of motions filed and the factors unique to each case. An eight-hour court day costs approximately \$10,500 in staff in workload. If court days exceed 10, costs to the trial courts could reach hundreds of thousands of dollars. While the courts are not funded on a workload basis, an increase in workload could result in delayed court services and would put pressure on the General Fund to fund additional staff and resources and to increase the amount appropriated to backfill for trial court operations.

Background: Service of process is the legal procedure by which a party must give another party appropriate notice of the proceedings. Courts cannot exercise jurisdiction over a defendant unless the defendant has proper notice of the proceedings. Thus, plaintiffs are required to serve defendants with summons and complaint (collectively, process). Notice must be reasonably calculated to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections. A service method is "reasonable" if it is reasonably certain to inform defendants of the lawsuit. Specific rules governing service vary by jurisdiction.

In California, service of a summons is governed by a five-article chapter in California's Code of Civil Procedure. Service of process generally takes place through several common methods. This includes service by mail with acknowledgment of receipt, personal delivery to the defendant or their authorized representative, delivery to

someone at the defendant's usual residence or place of business, and service by publication.

"Sewer service" refers to the unethical and illegal practice of a plaintiff (or their representative, like a debt collector) falsely claiming to have properly served legal documents on a defendant. This deceptive act often involves fabricating evidence of service or intentionally misdirecting documents to avoid actually notifying the defendant about a lawsuit. This often results in default judgments against individuals when they might have never been notified about the proceedings. The last few decades have seen a significant increase in the amount of consumer debt-related actions in state courts. With that rise has come increased concerns about whether there are adequate protections for consumer debtors, who are often unrepresented and usually subject to default judgments as a result of improper or "sewer service."

Proposed Law:

- Requires that the register of process servers maintained by a county clerk be publicly available.
- Defines "reasonable diligence: for the purpose of service of process to mean attempting personal delivery of the summons and complaint, in good faith, on at least three occasions, three different days, at three different times, with at least one such attempt being made at the dwelling house of the person to be served, if it can be determined with reasonable effort.
- Specifies that if the dwelling house of the person cannot be determined with reasonable effort, the proof of service shall contain specified information, including the efforts taken to locate the home address of the person to be served.
- Requires the proof of services of a summons and complaint to include at least one photograph, if such can be obtained without compromising the safety of the process server, at the site of the effectuated or attempted service, and contain a readable time stamp and GPS coordinates indicating the date, time, and location of service.
- Requires process server to provide a detailed statement of the proof of service if there is no GPS or cellular signal available at the time and place of the effected or attempted service.
- Allows a party, upon a showing that service of the summons and complaint was not effected, to bring a motion to quash service or to set aside or vacate a default judgement at any time after entry of the judgement.
- Specifies that if a party files a motion to quash service or to set aside or vacate a default or default judgment, the plaintiff has the burden of producing evidence and establishing by a preponderance of the evidence that the court has jurisdiction over the defendant and that the service of summons and complaint was effected.
- Requires the court to take evidence and to conduct a hearing if requested by either party.

- Requires a residential unlawful detainer complaint to include information describing the date, time, and location of effected service of the termination notice.

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