

## **CIVILIAN PROCESS SERVER REGULATIONS**

### **CIVILIAN PROCESS SERVER APPLICATION INFORMATION**

Please review the regulations for Civilian Process Server Licensing.

To obtain an application packet please contact the Permits and Licensing Office of the Division of Public Safety, Statewide Services Division, Permits and Licensing office at (907) 269-0393, or request an application packet by writing to the following address:

**Permits and Licensing Office  
Civilian Process Server Licensing  
5700 East Tudor Road  
Anchorage, AK 99506**

Once you have reviewed the materials for Civilian Process Server Examination please call the office and schedule a test.

For those applying in outlying areas there are proctors, when available, at Judicial Services offices or at Alaska State Troopers posts for administering tests.

When an examination is scheduled please bring with you the application (completed, signed and notarized) with a check payable to the State of Alaska in the amount of \$25.00 to cover the cost of testing. You must also bring the completed Bond, fingerprints with a separate check for \$48.25 made payable to the State of Alaska, and a photo (passport photo is preferred) taken within the last 30 days.

If any of these items is not included or the application is deficient at the time of the test, you will be turned away and your test rescheduled for the following week.

# CIVILIAN PROCESS SERVER REGULATIONS

## ALASKA ADMINISTRATIVE CODE TITLE 13. PUBLIC SAFETY PART 3. OFFICE OF THE COMMISSIONER CHAPTER 60. CIVILIAN PROCESS SERVERS

*Current through October, 1999 (Register 151)*

### ARTICLE 1. CIVILIAN PROCESS SERVER APPLICATION AND LICENSING REQUIREMENTS

#### 13 AAC 67.005. PURPOSE AND SCOPE OF CIVILIAN PROCESS SERVER REGULATIONS.

In accordance with AS 22.20, it is the duty of the commissioner of public safety to provide for the proper service of process issued by the supreme court and all lower state courts. The supreme court, in Rule 11(b) of the Rules of Administration, Rules 4(c)(3) and 45 of the Rules of Civil Procedure, and Rule 17 of the Rules of Criminal Procedure, has specifically provided that process may be served by private persons appointed or designated by the commissioner. A civilian process server is a private person who, by virtue of holding a license issued under this chapter, may serve process under AS 22.20.120. The provisions of 13 AAC 67.010 - 13 AAC 67.990 address the application and licensing requirements, disciplinary guidelines, and standards of professional conduct that the commissioner finds are necessary to assure that the civilian service of process is done in accordance with the rules of the supreme court and in a manner that protects the public.

*(Eff. 11/11/92, Register 124)*

*AUTHORITY: AS 22.20.100, AS 22.20.110, AS 22.20.120*

#### 13 AAC 67.010. LICENSE REQUIREMENT.

Except as otherwise provided in Supreme Court civil, criminal, and administrative rules, a person may not serve process unless that person is licensed by the department in accordance with this chapter.

*(Eff. 11/11/92 Register 124)*

*AUTHORITY: AS 22.20.100, AS 22.20.110, AS 22.20.120*

#### 13 AAC 67.020. PROCESS SERVER QUALIFICATIONS.

- (a) To qualify for a process server license a person must
  - (1) be a United States citizen or an alien lawfully admitted for permanent residency;
  - (2) have resided in the state for at least 30 days immediately preceding the date of application;

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- (3) be at least 21 years of age;
  - (4) be free from any mental or emotional disorder that may adversely affect performance as a process server;
  - (5) be of good moral character as defined in this chapter;
  - (6) have a valid Alaska business license, issued under AS 43.70;
  - (7) have a valid municipal business license if required;
  - (8) have passed the process server examination required under 13 AAC 67.100.
- (b) A person may not be licensed as a process server if the person
- (1) has been convicted of a felony, a misdemeanor crime involving abuse or assault; or of a misdemeanor crime involving dishonesty or fraud as defined in AS 11.46 and AS 11.56 during the 10 years immediately preceding the date of application, by a court of this state, the United States, another state or territory, or the military unless a full pardon has been granted; or
  - (2) is doing business under a name that is identical to the name under which a different process server is licensed, or is so similar to it as to create confusion or mislead a reasonable person.

*(Eff. 11/11/92, Register 124)*

*AUTHORITY: AS 22.20.100, AS 22.20.110, AS 22.20.120*

### **13 AAC 67.030. PROCESS SERVER APPLICATION AND SUPPORTING DOCUMENTS.**

- (a) An application for a process server license must be submitted to the department on a form provided by the department printed legibly or typewritten. An application must include the following information about the applicant:
- (1) full name;
  - (2) business name;
  - (3) residence address;
  - (4) residence telephone number;
  - (5) residence mail address;
  - (6) business location;
  - (7) business telephone number; facsimile number;
  - (8) business mail address; e-mail address;
  - (9) sex;
  - (10) height and weight;

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- (11) hair and eye color;
  - (12) date of birth;
  - (13) Alaska drivers license number and expiration date, or an identification card number issued by the department;
  - (14) statement of citizenship;
  - (15) criminal arrest and conviction record;
  - (16) employment history for the five years immediately preceding the date of application;
  - (17) the name of at least three persons, at least one of whom is a resident of the state, who can attest to the applicant's good character; and
  - (18) the name and address of all business affiliations of the applicant or the applicant's spouse.
- (b) The application must include:
- (1) a sworn statement that the applicant is free from any mental or emotional disorder that may adversely affect performance as a process server;
  - (2) a sworn statement that the applicant has read and understands 13 AAC 67.010 - 13 AAC 67.990;
  - (3) a sworn statement that the information contained in the application is true; and
  - (4) a signature and valid notarization of the signature.
- (c) The following items must accompany the application:
- (1) two sets of classifiable fingerprints on a Federal Bureau of Investigation Applicant Card (FD-258);
  - (2) a fee payable to the department for fingerprint processing fees under 13 AAC 25.400(a)(4)(B) and fees charged by the Federal Bureau of Investigation or other government agency for processing fingerprints or obtaining criminal records through that agency;
  - (3) proof of compliance with the surety bond requirements of 13 AAC 67.920;
  - (4) a non-refundable application fee of \$25; and
  - (5) a copy of the applicant's valid Alaska business license and, if required, a valid municipal business license.

*(Eff. 11/11/92, Register 124; am 4/2/94, Register 129)*

*AUTHORITY: AS 22.20.100, AS 22.20.110, AS 22.20.120*

### **13 AAC 67.040. INCOMPLETE AND ABANDONED APPLICATIONS.**

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- (a) An application is incomplete if it does not include all of the information, signatures, notarizations, and supporting documents required in 13 AAC 67.030.
- (b) If the department receives an incomplete application, or an application is made on an obsolete form, the department will return the application and all supporting documents to the applicant. If the applicant completes the application process within one year of the date of the initial application, a new application fee is not required.
- (c) In the absence of special circumstances, the department will consider an application abandoned if the applicant fails to appear for examination at the time fixed without first obtaining a postponement, or the applicant, after two postponements, fails to appear for examination at the time fixed. An abandoned application is denied without prejudice.

*(Eff. 11/11/92, Register 124)*

*AUTHORITY: AS 22.20.100, AS 22.20.110, AS 22.20.120*

### **13 AAC 67.050. DEPARTMENT REVIEW OF APPLICATIONS.**

- (a) The department will, in its discretion, conduct a background investigation of an applicant for a license to determine if the applicant possesses the qualifications set out in 13 AAC 67.020.
- (b) If the department has reason to believe that an applicant has a past or present mental or emotional condition that could adversely affect the applicant's performance as a process server, the department will, in its discretion, condition approval of the application on receipt of a report from a licensed psychiatrist or psychologist indicating that the applicant is currently free from such a condition.
- (c) The information in a process server's application and license file is confidential and available only for use by the department in carrying out the requirements of this chapter or for review by an applicant or licensee as provided in this section. An applicant or licensee may review all documents relating to the applicant or licensee except for
  - (1) information supplied to the department with the understanding that the information or the source of the information would remain confidential; and
  - (2) examination documents required to be kept confidential under 13 AAC 67.160.
- (d) Notwithstanding the provisions of (c)(1) of this section, information that serves as a basis for a decision to deny, suspend, or revoke a license must be revealed to the applicant or licensee upon request.

*(Eff. 11/11/92, Register 124)*

*AUTHORITY: AS 22.20.100, AS 22.20.110, AS 22.20.120*

### **13 AAC 67.060.DENIAL OF LICENSE.**

The department will, in its discretion, deny an application if the person is found to be unqualified for

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a license. If a person's application for a license is denied, the department will notify the applicant of the applicant's right to a hearing under 13 AAC 67.290.

*(Eff. 11/11/92, Register 124)*

*AUTHORITY: AS 22.20.100, AS 22.20.110, AS 22.20.120*

### **13 AAC 67.070. PROCESS SERVER LICENSE.**

- (a) After an applicant has passed the examination required in 13 AAC 67.100, the department has completed any background investigation it deemed necessary, and the department has approved the application, the department will issue a license to the applicant in the form of an identification card. A process server license remains the property of the state.
- (b) A license is effective on the date it is issued by the department. A license may not be issued with an effective date earlier than the date it is issued by the department. A license expires two years after its date of issue.
- (c) A process server may not allow another person to use or possess the process server's license.
- (d) A process server shall carry the license when serving process and shall, upon request, display the license to the person making the request.
- (e) A person whose license as a process server has been expired for less than one year may reinstate the license by
  - (1) applying on a form provided by the department; and
  - (2) paying the application fee required in 13 AAC 67.030.
- (f) A process server whose license has been expired for one year or more must submit a new license application in accordance with 13 AAC 67.020 - 13 AAC 67.030.
- (g) If a person's process server license is suspended or revoked, that person shall return the license to the department immediately.

*(Eff. 11/11/92, Register 124)*

*AUTHORITY: AS 22.20.100, AS 22.20.110, AS 22.20.120*

### **13 AAC 67.080.APPLICATION FOR RENEWAL OF PROCESS SERVER LICENSE.**

An application for the renewal of a process server license must

- (1) be made on the forms provided by the department;
- (2) contain a complete list of all business names under which the applicant has worked during the concluding license period;
- (3) be received by the department at least 30 days before the date of expiration, so that the

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application for renewal can be processed before the license expires; and

- (4) be accompanied by a non-refundable application fee of \$25.

*(Eff. 11/11/92, Register 124)*

*AUTHORITY: AS 22.20.100, AS 22.20.110, AS 22.20.120*

### ARTICLE 2. EXAMINATION PROCEDURES

#### 13 AAC 67.100. EXAMINATION CONTENT.

- (a) The department will examine each applicant for a process server license to determine the applicant's knowledge of service of process and familiarity with the applicable portions of the Alaska Administrative Code, the Alaska Statutes, the Supreme Court rules of civil and criminal procedure, and Supreme Court rules of administration.
- (b) The examination is a written examination prepared by the department.
- (c) The examination consists of the following subjects:
  - (1) general knowledge of service of process;
  - (2) receipt, preparation, service, and return of process, and fees for process, originating in the state, including a civil subpoena, civil summons, civil show cause order, civil temporary restraining order, civil preliminary injunction, civil prejudgment attachment, and civil execution;
  - (3) receipt, preparation, service, and return of process, and fees for process, originating outside the state, including a civil subpoena, civil summons, civil show cause order, civil temporary restraining order, and civil preliminary injunction; and
  - (4) standards for professional conduct as established in 13 AAC 67.180.220.

*(Eff. 11/11/92, Register 124)*

*AUTHORITY: AS 22.20.100, AS 22.20.110, AS 22.20.120*

#### 13 AAC 67.110. TIME AND PLACE OF EXAMINATION.

- (a) An applicant must submit a completed application form and the application fee to the department before an examination will be scheduled. An applicant may then schedule an examination at any department office designated by the commissioner as a place for examination.
- (b) Following the receipt of a scheduling request, the department will notify the applicant of the time and place of the examination at least 10 days before the examination.
- (c) The department will, in its discretion, grant up to two postponements to an applicant who, for reasonable cause, is prevented from appearing for the examination at the time fixed. The

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office administering the examination no later than one day before the day the examination was scheduled must receive a request for postponement.

*(Eff. 11/11/92, Register 124)*

*AUTHORITY: AS 22.20.100, AS 22.20.110, AS 22.20.120*

### **13 AAC 67.120. CONDUCT DURING EXAMINATION.**

- (a) An applicant may not have any papers or objects on the examination table other than those permitted by the proctor.
- (b) The department will provide an examination answer sheet upon which the applicant will write applicant's name and the date of the examination. An applicant may not write on or in any other way deface the examination booklet. Writing on or defacing an examination booklet will result in automatic failure of the examination.
- (c) While the examination is in progress, the applicant may not leave the examination room for any reason unless accompanied by the proctor.
- (d) Communicating with any person other than the proctor during the examination will result in automatic failure of the examination.

*(Eff. 11/11/92, Register 124)*

*AUTHORITY: AS 22.20.100, AS 22.20.110, AS 22.20.120*

### **13 AAC 67.140. SCORES AND REEXAMINATION.**

- (a) A raw score of at least 80 percent is required to pass the examination.
- (b) An applicant who fails to attain the required passing score must wait 10 days before submitting a scheduling request under 13 AAC 67.110.
- (c) Upon the applicant's written request, the department will, in its discretion, waive the 10-day waiting period required in (b) of this section for an applicant whom
  - (1) can demonstrate good cause for granting such a waiver; and
  - (2) complies with all other applicable provisions of this chapter.
- (d) An applicant who has failed the examination three times shall pay a \$10 reexamination fee for each subsequent examination.
- (e) An applicant who fails to pass the examination within one year of when the applicant first took the examination shall submit a new application before retaking the examination.

*(Eff. 11/11/92, Register 124)*

*AUTHORITY: AS 22.20.100, AS 22.20.110, AS 22.20.120*

### **13 AAC 67.150. RECONSIDERATION OF EXAMINATION.**

Upon the applicant's written request, the department will, in its discretion, reconsider an applicant's



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examination results if the applicant can show good cause for reconsideration. Reconsideration may include rescoring the examination or reevaluating the methods used in scoring the examination.

*(Eff. 11/11/92, Register 124)*

*AUTHORITY: AS 22.20.100, AS 22.20.110, AS 22.20.120*

### **13 AAC 67.160. EXAMINATION REVIEW.**

- (a) All examination papers are the property of the department and will not be returned to the applicant. An applicant's examination answer sheets are preserved in the applicant's file and may be inspected by an applicant except during the seven days immediately preceding the day the applicant is scheduled to retake an examination. While reviewing an examination, an applicant may not make copies or take written notes of any kind.
- (b) An applicant may obtain information concerning the types of items failed.
- (c) The written examination booklet is not open for inspection by an applicant until after the examination booklet is no longer used for testing, and then only in the presence of the commissioner or the commissioner's designee. Specific examination questions currently in use may only be inspected as authorized by the commissioner.

*(Eff. 11/11/92, Register 124)*

*AUTHORITY: AS 22.20.100, AS 22.20.110, AS 22.20.120*

## **ARTICLE 3. STANDARDS OF PROFESSIONAL CONDUCT**

### **13 AAC 67.180. PROFESSIONAL CONDUCT.**

A process server shall

- (1) act with complete integrity in professional matters concerning the service of process;
- (2) be completely truthful in all professional reports, statements, or testimony, and not make misleading, deceptive, or untrue statements in the course of serving process;
- (3) notify his or her employer, client, or appropriate authority of any circumstance in which the safekeeping of process or property is in jeopardy, including a situation where the process server's professional judgment is overruled by the process server's employer;
- (4) not engage in the practice of law, give legal advice, or otherwise act in a manner that a reasonable person would interpret as engaging in the practice of law;
- (5) not knowingly associate with or permit the use of the process server's name or firm name by a person or firm that the process server knows or has reason to believe is engaging in a business or professional practice in a fraudulent or dishonest manner;
- (6) inform the department if the process server has knowledge or to believe that another person or firm is in violation of a regulation in this chapter, and cooperate with the department by furnishing all further information or assistance required;

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- (7) adhere to all applicable state and municipal laws, rules of court, and department directives concerning the service of process, and not knowingly serve process in violation of those laws, rules, or directives;
- (8) make every reasonable effort to provide professional services in a complete and efficient manner so as not to delay a court action.
- (9) not serve process if the process server suffers from any mental or emotional condition that may adversely affect his or her performance as a process server.

*(Eff. 11/11/92, Register 124)*

*AUTHORITY: AS 22.20.100, AS 22.20.110, AS 22.20.120*

### **13 AAC 67.190. CONFLICT OF INTEREST.**

- (a) A process server shall
  - (1) attempt to avoid all conflicts of interest with the process server's employer or client;
  - (2) promptly inform the employer or client of any business association, interest, or circumstance that could influence the process server's judgment or quality of service to the employer or client;
  - (3) not accept financial or other compensation from more than one party to a court action for services in that action.
- (b) If a process server enters public service as a member, advisor, or employee of a government body, the process server may not take any action on process previously served by the process server or served by the process server's former private sector employer while the process server worked for that employer.
- (c) A process server may not be employed to serve process for any firm, business, or corporation other than a process serving firm.
- (d) A process server may not be employed by more than one process serving firm at one time and may not contract or solicit process business for more than one process serving firm at one time.

*(Eff. 11/11/92, Register 124)*

*AUTHORITY: AS 22.20.100, AS 22.20.110, AS 22.20.120*

### **13 AAC 67.200. REASSIGNMENT OF PROCESS AND RETURNS TO COURT.**

- (a) A process server may not reassign process to another process server unless that person is within the process server's own firm. Process that the process server cannot serve because of a conflict of interest or because of location must be returned to the clerk of the court for reassignment to another process server. If process is returned to the clerk of the court within 48 hours, no return of service is required.

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- (b) A process server who conducts a sale of personal or real property as a part of serving process shall transmit all money received to the court and may not withhold process server fees.
- (c) When serving a levy for the collection of money on a third party, the process server shall serve the third party with a Notice of Levy By a Court Writ and advise the third party that all checks must be made payable to the clerk of court.

*(Eff. 11/11/92, Register 124)*

*AUTHORITY: AS 22.20.100, AS 22.20.110, AS 22.20.120*

### **13 AAC 67.210. DESIGNATION; ADVERTISING.**

- (a) A process server may not use
  - (1) any corporate name, including initials, that projects the image of a public law enforcement agency;
  - (2) the terminology "police" or "officer of the court" to identify the process server; or
  - (3) the words "federal," "state," "U.S.," "United States," "Alaska," or the name or initials of any specific court, city, borough, municipality, or governmental agency in a manner that suggests an official connection with any governmental entity, except to say the process server is licensed by the state.
- (b) Advertising and other public communication by a process server must not
  - (1) misrepresent or fail to disclose relevant facts;
  - (2) create false or unjustified expectations of favorable results;
  - (3) set forth fees other than those authorized by 13 AAC 67.220; or
  - (4) contain any representation or implication that is false, fraudulent, or unfair, or that probably would deceive or mislead an ordinary person;
  - (5) include the seal of the State of Alaska in any manner; or
  - (6) imply a process server is a police officer or peace officer.
- (c) A process server's license may only be used in connection with the service of process. No badge or other emblem other than the license issued by the department may be displayed while serving process.
- (d) A process server may not wear a uniform of any kind that suggests an official connection with a law enforcement agency or government entity.

*(Eff. 11/11/92, Register 124)*

*AUTHORITY: AS 22.20.100, AS 22.20.110, AS 22.20.120*

### **13 AAC 67.220. FEES; FEE AGREEMENTS.**

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- (a) A fee charged by a process server must be reasonable. The department will, in its discretion, review the fees charged by a process server and will determine if those fees are reasonable by considering
  - (1) the maximum amount that can be recovered by a party as costs under Supreme Court Rule of Administration (11)(a) for the designated service;
  - (2) the time and labor required;
  - (3) the time limitations imposed by the person requesting service; and
  - (4) any special circumstances presented by the person who requested service.
- (b) A process server shall establish a fee schedule for the information of the general public. The fee schedule must clearly state if the fee to be charged will exceed the maximum amount recoverable by a party as costs under Supreme Court Rule of Administration (11)(a) for the designated service.
- (c) A process server who has not previously served process for the person requesting service shall communicate the fees to be charged in writing to the person requesting service before service is attempted or within a reasonable time thereafter.

*(Eff. 11/11/92, Register 124)*

*AUTHORITY: AS 22.20.100, AS 22.20.110, AS 22.20.120*

### ARTICLE 4. DISCIPLINARY GUIDELINES

#### 13 AAC 67.240. SUSPENSION AND REVOCATION OF LICENSE.

- (a) The department will, in its discretion, suspend a license when it determines, following an investigation, that the process server
  - (1) lacks the ability, knowledge, skill, or professional judgment to perform the professional duties of a process server as required by AS 22.20, this chapter, rules of court, or department procedures;
  - (2) failed to perform the duties and responsibilities of a process server as required by AS 22.20, this chapter, rules of court, or department procedures, but that failure is not a cause for revocation under (b) of this section;
  - (3) failed to notify the department of a change of name, address, or telephone number as required by 13 AAC 67.910; or
  - (4) failed to comply with the fee requirements of 13 AAC 67.220.
- (b) The department will, in its discretion, revoke a license when it determines, following an investigation, that the process server

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- (1) is not qualified to hold a license under 13 AAC 67.020;
- (2) has intentionally or recklessly failed to perform the duties and responsibilities of a process server as required by AS 22.20, this chapter, rules of court, or department procedures, and that failure resulted in
  - (a) the life, health, or safety of a member of the public being placed in jeopardy of death or injury; or
  - (b) a person's property being placed in jeopardy of loss or injury;
- (3) has been convicted since licensure of a felony, a misdemeanor crime involving abuse or assault; or a misdemeanor crime involving dishonesty or fraud as defined in AS 11.46 and AS 11.56;
- (4) falsified or omitted information required to be provided in the process server's license application or in the supporting documents;
- (5) impersonated a law enforcement officer;
- (6) misapplied property;
- (7) engaged in misaccounting;
- (8) engaged in misconduct with respect to the examination required under 13 AAC 67.100;
- (9) failed to comply with AS 22.20, this chapter, rules of court, or department procedures relating to the service of process;
- (10) failed to maintain the surety bond required by 13 AAC 67.920;
- (11) engaged in conduct that is a cause for license suspension under (a) of this section and has already had two license suspensions; or
- (12) failed to keep adequate records as required by 13 AAC 67.930.

*(Eff. 11/11/92, Register 124)*

*AUTHORITY: AS 22.20.100, AS 22.20.110, AS 22.20.120*

### **13 AAC 67.250. PERIOD OF SUSPENSION OR REVOCATION.**

- (a) The department will, in its discretion, suspend a process server license under 13 AAC 67.240(a) for a minimum of 30 days for a first offense and up to a maximum of six months for a second offense;
- (b) A person whose process server's license has been revoked under 13 AAC 67.240(b) may not reapply for a new license

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- (1) for one year from the date the previous license was revoked for conduct described in 13 AAC 67.240(b)(8), (b)(9), (b)(10), (b)(11), or (b)(12);
  - (2) for five years from the date the previous license was revoked for conduct described in 13 AAC 67.240(b)(4), (b)(5), (b)(6), or (b)(7);
  - (3) if the previous license was revoked for conduct described in 13 AAC 67.240(b)(2) or (b)(3).
- (c) Nothing in this section or in 13 AAC 67.240 precludes the department from imposing lesser penalties than those described, depending upon the circumstances of a particular case.

*(Eff. 11/11/92, Register 124)*

*AUTHORITY: AS 22.20.100, AS 22.20.110, AS 22.20.120*

### **13 AAC 67.260.REEXAMINATION.**

The department will, in its discretion and for good cause, require a licensed process server to retake the examination required in 13 AAC 67.100. A process server's failure to retake the examination will result in suspension of the license until the written examination is successfully completed. The department will give at least 10 days notice to the licensee before requiring the examination.

*(Eff. 11/11/92, Register 124)*

*AUTHORITY: AS 22.20.100, AS 22.20.110, AS 22.20.120*

### **13 AAC 67.280.APPLICABILITY OF ADMINISTRATIVE PROCEDURE ACT.**

Except as otherwise provided in 13 AAC 67.280 - 13 AAC 67.310, the provisions of the AS 44.62 (Administrative Procedure Act), not including AS 44.62.550, apply to all actions taken under this chapter.

*(Eff. 11/11/92, Register 124)*

*AUTHORITY: AS 22.20.100, AS 22.20.110, AS 22.20.120*

## **ARTICLE 5. ADMINISTRATIVE HEARINGS**

### **13 AAC 67.290. ADMINISTRATIVE HEARINGS.**

- (a) Except as provided in (b) of this section the department will give notice and provide an opportunity for an administrative hearing before suspending, or revoking, a license.
- (b) If it is reasonably necessary to protect the health and safety of the public or to ensure the safekeeping of property, the department will, in its discretion, suspend or revoke a license before giving notice and providing an opportunity for a hearing. The department will provide an opportunity for a hearing following a license suspension or revocation under this subsection.

*(Eff. 11/11/92, Register 124)*

*AUTHORITY: AS 22.20.100, AS 22.20.110, AS 22.20.120*

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### 13 AAC 67.300.APPOINTMENT OF HEARING OFFICER.

The commissioner will assign a qualified, unbiased, and impartial hearing officer to conduct a hearing under this chapter. The hearing officer may not

- (1) have participated in making the decision that will be reviewed at the hearing; or
- (2) be an immediate supervisor or subordinate of the person who made the decision that will be reviewed at the hearing.

*(Eff. 11/11/92, Register 124)*

*AUTHORITY: AS 22.20.100, AS 22.20.110, AS 22.20.120*

### 13 AAC 67.310.ACCUSATION.

To initiate a hearing to determine whether a license should be suspended or revoked, the department or an interested person must file an accusation. The accusation must conform to the requirements of AS 44.62.360.

*(Eff. 11/11/92, Register 124)*

*AUTHORITY: AS 22.20.100, AS 22.20.110, AS 22.20.120*

## ARTICLE 7. GENERAL PROVISIONS

### 13 AAC 67.900. ADDRESS AND TELEPHONE NUMBER.

The latest mailing address and telephone number on file for an active or lapsed process server is the address the department will use for official communications, notifications, and service of legal process.

*(Eff. 11/11/92, Register 124)*

*AUTHORITY: AS 22.20.100, AS 22.20.110, AS 22.20.120*

### 13 AAC 67.910. INFORMATION TO BE PROVIDED TO DEPARTMENT.

- (a) If a process server changes the name, address, or telephone number under which the process server is licensed to do business, the process server shall immediately notify the department in writing of the new name, address, or telephone number.
- (b) If a process server will be unavailable to serve process for more than seven calendar days, the process server shall notify the department in writing of the dates the process server will be unavailable to serve process.

*(Eff. 11/11/92, Register 124)*

*AUTHORITY: AS 22.20.100, AS 22.20.110, AS 22.20.120*

### 13 AAC 67.920. BOND REQUIREMENTS.

## CIVILIAN PROCESS SERVER REGULATIONS

- (a) Except as provided in (c) and (d) of this section, an applicant for a process server license shall file with the department a surety bond evidencing liability coverage for fraud, misappropriation or commingling of funds, abuse of process, and malicious prosecution in the minimum amount of \$15,000. The bond must provide that it may not be canceled unless 30 days' notice of cancellation is given to the department.
- (b) The surety shall file with the department a power of attorney designating its attorney in fact for execution of the bond;
- (c) If a process serving firm employs four to seven process servers, the process serving firm may provide a single surety bond that covers each of those process servers, provided that the bond is in the minimum amount of \$60,000. A certificate of the bond must be filed with each employee's application for licensure.
- (d) If a process serving firm employs eight or more process servers, the process serving firm may provide a single surety bond that covers each of those process servers, provided that the bond is in the minimum amount of \$100,000. A certificate of the bond must be filed with each employee's application for license.
- (e) If a process server is removed from coverage by a firm's bond, the firm shall immediately notify the department in writing.
- (f) If a process server is not eligible to be covered by a firm's bond or is terminated due to a violation that is a cause for license revocation, this information must be included in the notification submitted under (e) of this section.
- (g) A process server who is no longer covered by a firm's bond or by the process server's own bond shall return his or her process server license to the department immediately upon termination of coverage. The license will be returned to the process server if the process server submits proof of obtaining the required bond and meets all other eligibility requirements. If a process server fails to submit proof of a new bond within 90 days of the date the process server's previous bond was terminated, the license will be revoked.

*(Eff. 11/11/92, Register 124)*

*AUTHORITY: AS 22.20.100, AS 22.20.110, AS 22.20.120*

### **13 AAC 67.930. RECORDKEEPING.**

- (a) A process server shall maintain up-to-date records of all process that identify the
  - (1) type of document received;
  - (2) date the document was received;
  - (3) disposition of the process;
  - (4) date the process was returned; and
  - (5) all fees collected and disbursed.
- (b) Process records must be made available for inspection by members of the department at any reasonable time.

*(Eff. 11/11/92, Register 124)*

*AUTHORITY: AS 22.20.100, AS 22.20.110, AS 22.20.120*



## CIVILIAN PROCESS SERVER REGULATIONS

### 13 AAC 67.940. ROSTER.

The department will prepare on a regular basis a roster of all licensed servers.

*(Eff. 11/11/92, Register 124)*

*AUTHORITY: AS 22.20.100, AS 22.20.110, AS 22.20.120*

### 13 AAC 67.990.DEFINITIONS.

Unless the context otherwise indicates, in this chapter

- (1) "commissioner" means the commissioner of the Department of Public Safety;
- (2) "department" means the Alaska Department of Public Safety;
- (3) "good moral character" means the absence of acts or conduct that would cause a reasonable person to have substantial doubts about an individual's honesty, fairness, and respect for the rights of others and for the laws of the state and the nation; the following are indicative of a lack of good moral character:
  - (A) illegal conduct;
  - (B) conduct involving dishonesty, fraud, deceit, or misrepresentation, including misconduct in the licensing process;
  - (C) intentional deception or fraud or attempted deception or fraud in an application, examination, or other document needed for securing a license;
  - (D) conduct that adversely reflects on a person's fitness to perform as a process server, including intoxication while acting as a process server or a history of personal habits while not serving process that could affect the person's performance as a process server, such as excessive use of alcohol;
- (4) "process server" means an individual residing in Alaska who is licensed by the commissioner to serve process within the state in accordance with the provisions of this chapter;
- (5) "proctor" means the person assigned by the department to administer the process server examination.

*(Eff. 11/11/92, Register 124)*

*AUTHORITY: AS 22.20.100, AS 22.20.110, AS 22.20.120*