

PROCESS SERVER REGISTRATION INFORMATION (CALIFORNIA BUSINESS AND PROFESSIONS CODE § 22350-22360)

Per CA Business & Professions Code §22351, to register as an individual, you must have resided in California for at least one year immediately preceding the date of filing, and you must not have an existing felony conviction. If registering as a corporation, partnership or other business entity, the entity must have been organized and in existence continuously for a period of at least one year immediately preceding the date of filing, and no general partner, corporate officer or other officer/manager can have a felony conviction.

To register as a process server in Santa Clara County, please complete and provide the following (*if renewing, see additional information below*):

1. REGISTRATION FORM:

A completed registration form for a NATURAL PERSON (individual), PARTNERSHIP, or CORPORATION must be signed in our presence. (If any partner or corporate officer makes more than 10 services of process in one calendar year, a separate registration form for each individual is required.) California Business and Professions Code §22351 requires the registrant to complete a statement, signed by the registrant under penalty of perjury, stating that the individual registrant has not been convicted of a felony; or, if the individual registrant has been convicted of a felony, a copy of a certificate of rehabilitation, expungement, or pardon be provided (only for individual registrants; corporation and/or partnership cannot register if any officers/partners have been convicted of a felony); a statement that the registrant has been a resident of this state for a period of one year immediately preceding the filing of the certificate; and a statement that the registrant will perform his or her duties as a process server in compliance with the provisions of law governing the service of process in this state.

2. FINGERPRINTS:

For each **initial** registration of, or renewal **after** the expiration date of: a) a NATURAL PERSON, b) each GENERAL PARTNER of a PARTNERSHIP, and c) each CORPORATE OFFICER OF A CORPORATION, a completed LIVESCAN fingerprint form, signed and dated by the Sheriff's Department or an authorized Live Scan agency must be provided. (Effective July 1, 2005, FD-258 fingerprint cards are no longer accepted by the Department of Justice.)

3. BOND:

A process server bond in the amount of \$2000.00, covering the two-year term of registration must be submitted at the time of filing. **The bond must specify the term (dates) of coverage.** The effective date of the bond must match the date of registration, *so plan accordingly*. The bond must be in the name of the NATURAL PERSON (individual), or in the case of a PARTNERSHIP, in the names of the NATURAL PERSONS and the PARTNERSHIP, and if a CORPORATION, in the name of the CORPORATION. (*Please note: If any partner or corporate officer makes more than 10 services of process in one calendar year, a separate bond for each individual is required.*)

4. FEES:

The base fee for a process server registration is **\$152.00**. This includes the recording fee for a one-page process server bond. If your bond has additional pages, **each** additional page (including a cover page, if needed) will add **\$3.00** to the fee total. Fees can be paid in cash, or by check made payable to the Clerk-Recorder's Office.

All employees who serve 10 or more services of process in one calendar year will be required to register as a NATURAL PERSON in order to be in compliance with Sections 22350 et seq., of the Business & Professions Code.

RENEWAL INFORMATION

A certificate of registration is effective for a period of two years or until the date the bond expires, whichever occurs first. The renewal can take place up to 60 days prior to its expiration date and the effective date of the renewal will be the date the current registration expires. As long as the renewal takes place on or before the expiration date, the registration number will remain the same, and a new, completed Livescan form, signed and dated by the Sheriff's Department, **will not** be required. All remaining requirements above (1, 3, and 4) will still apply.

SANTA CLARA COUNTY CLERK-RECORDERS OFFICE

Business Division, First Floor, East Wing
110 West Tasman Drive, First Floor
San Jose, CA 95134

408-299-5688 Hours: 8:00 a.m. – 4:00 p.m.

EXCERPTS FROM CALIFORNIA BUSINESS AND PROFESSIONS CODE REGARDING PROCESS SERVER REGISTRATION

NECESSITY OF FILING

§22350.

(a) Any natural person who makes more than 10 services of process within this state during one calendar year, for specific compensation or in expectation of specific compensation, where such compensation is directly attributable to the service of process, shall file and maintain a verified certificate of registration as a process server with the county clerk of the county in which he or she resides or has his or her principal place of business. Any corporation or partnership that derives or expects to derive compensation from service of process within this state shall also file and maintain a verified certificate of registration as a process server with the county clerk of the county in which the corporation or partnership has its principal place of business.

(b) This chapter shall not apply to any of the following:

- (1) Any sheriff, marshal, or government employee who is acting within the course and scope of his or her employment.
- (2) An attorney or his or her employees.
- (3) Any person who is specially appointed by a court to serve its process.
- (4) A licensed private investigator or his or her employees.
- (5) A professional photocopier registered under Section 22450, or an employee thereof, whose only service of process relates to subpoenas for the production of records, which subpoenas specify that the records be copied by that registered professional photocopier.

CONTENTS OF CERTIFICATE

§22351.

(a) The certificate of registration of a registrant who is a natural person shall contain the following:

- (1) The name, age, address, telephone number, and email address of the registrant.
- (2) A statement, signed by the registrant under penalty of perjury, that the registrant has not been convicted of a felony; or, if the registrant has been convicted of a felony, a copy of a certificate of rehabilitation, expungement, or pardon.
- (3) A statement that the registrant has been a resident of this state for a period of one year immediately preceding the filing of the certificate.
- (4) A statement that the registrant will perform his or her duties as a process server in compliance with the provisions of law governing the service of process in this state.

(b) The certificate of registration of a registrant who is a partnership or corporation shall contain the following:

- (1) The names, ages, addresses, and the telephone numbers of the general partners or officers.
- (2) A statement, signed by the general partners or officers under penalty of perjury, that the general partners or officers have not been convicted of a felony.
- (3) A statement that the partnership or corporation has been organized and existing continuously for a period of one year immediately preceding the filing of the certificate or a responsible managing employee, partner, or officer has been previously registered under this chapter.
- (4) A statement that the partnership or corporation will perform its duties as a process server in compliance with the provisions of law governing the service of process in this state.

FINGERPRINTS

§22351.5.

(c) At the time of filing the initial certificate of registration, the registrant shall also submit two completed fingerprint cards*, for submission to the Department of Justice and the Federal Bureau of Investigation, in order to verify that the registrant has not been convicted of a felony. The clerk shall utilize the Subsequent Arrest Notification Contract provided by the Department of Justice for notifications subsequent to the initial certificate of registration.

(d) If, after processing the completed fingerprint cards*, the clerk is advised that the registrant has been convicted of a felony, the presiding judge of the superior court of the county in which the certificate of registration is maintained is authorized to review the criminal record and, unless the registrant is able to produce a copy of a certificate of rehabilitation, expungement, or pardon, as specified in paragraph (2) of subdivision (a) of section 22351, notify the registrant that the registration is revoked. An order to show cause for contempt may be issued and served upon any person who fails to surrender a registered process server identification card after a notice of revocation.

REGISTRATION AND RENEWAL

§22354.

A certificate of registration shall be effective for a period of two years or until the date the bond expires, whichever occurs first. Thereafter, a registrant shall file a new certificate of registration or renewal of the certificate of registration and pay the fee required by Section 22352. A certificate of registration may be renewed up to 60 days prior to its expiration date and the effective date of the renewal shall be the date the current registration expires. The renewal shall be effective for a period of two years from the effective date or until the expiration date of the bond, whichever occurs first.

**The LIVESCAN fingerprint process is now used instead of fingerprint cards.*