



House Bill No. 5527

Public Act No. 10-178

AN ACT CONCERNING STATE MARSHALS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 34-105 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

(a) Any process, notice or demand in connection with any action or proceeding required or permitted by law to be served upon a limited liability company which is subject to the provisions of section 34-104, may be served upon the limited liability company's statutory agent for service by any proper officer or other person lawfully empowered to make service by leaving a true and attested copy of the process, notice or demand with such agent or, in the case of an agent who is a natural person, by leaving it at such agent's usual place of abode in this state.

(b) If it appears from the records of the Secretary of the State that such a limited liability company has failed to appoint or maintain a statutory agent for service, or if it appears by affidavit endorsed on the return of the officer or other proper person directed to serve any process, notice or demand upon such a limited liability company's statutory agent for service appearing on the records of the Secretary of the State that such agent cannot, with reasonable diligence, be found at the address shown on such records as the agent's address, service of

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such process, notice or demand on such limited liability company may, when timely made, be made by such officer or other proper person by: (1) Leaving a true and attested copy thereof together with the required fee at the office of the Secretary of the State or depositing the same in the United States mails, by registered or certified mail, postage prepaid, addressed to said office, and (2) depositing in the United States mails, by registered or certified mail, postage prepaid, a true and attested copy thereof, together with a statement by such officer that service is being made pursuant to this section, addressed to such limited liability company at its principal office.

(c) The Secretary of the State shall file the copy of each process, notice or demand received by him as provided in subsection (b) of this section and keep a record of the [day] date and hour of such receipt. Service made as provided in this section shall be effective as of such [day] date and hour.

(d) Notwithstanding subsections (a) and (b) of this section, any process, notice or demand in connection with any action or proceeding required or permitted by law to be served upon a limited liability company which is subject to the provisions of section 34-104 may be served upon any member of the limited liability company in whom management of the limited liability company is vested or any manager of the limited liability company by any proper officer or other person lawfully empowered to make service by leaving a true and attested copy of the process, notice or demand with such member or manager or by leaving it at such member's usual place of abode in this state or, in the case of a manager who is a natural person, at such manager's usual place of abode in this state.

[(d)] (e) Nothing contained in this section shall limit or affect the right to serve any process, notice or demand required or permitted by law to be served upon a limited liability company in any other manner permitted by law.

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Sec. 2. Section 52-56 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

(a) If any officer has commenced the service of any civil process within his precinct, he may attach the property of, or serve the process upon, any defendant named in the process outside of his precinct. An officer shall not be deemed to have commenced service in any civil action by process of foreign attachment or garnishment by service on the garnishee therein, unless the garnishee has concealed in his possession, at the time of the service, the property of the defendant or is indebted to him.

(b) If there are two or more defendants, any of whom reside outside of the precinct of the officer commencing service or, in any action in case of attachment of property or in case of foreign attachment or garnishment, if any defendant or garnishee resides outside of the precinct of the officer commencing service, any officer may serve the process upon such of the defendants or garnishees as reside within his precinct, and may then (1) complete the service himself upon any defendant or garnishee residing outside his precinct, or (2) deliver the process to an officer of another precinct for service upon any defendant or garnishee residing in the other precinct and each officer serving the same shall endorse his actions thereon. The officer completing the service shall include in his endorsement a copy of the endorsement upon the writ of the officer commencing service and shall return the process to court.

(c) In any action where process is permitted to be served upon the Secretary of the State, [or] the Commissioner of Motor Vehicles, [pursuant to sections 52-57, 52-59b, 52-62 and 52-63] the Attorney General or the Insurance Commissioner, service of such process may be made by any officer of any precinct having such process in his hands for service. Service by an officer upon the Secretary of the State, the Commissioner of Motor Vehicles, the Attorney General or the

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Insurance Commissioner pursuant to this subsection shall constitute the commencement of service within such officer's precinct and such officer may then complete service as provided in subsection (a) or (b) of this section.

(d) The execution or service of any *capias* issued pursuant to section 52-143 or 54-2a or any warrant or *capias mittimus* issued by a court or family support magistrate in a family support matter may be made in any precinct in the state by any state marshal of any precinct or any special policeman appointed under section 29-1g, having such *capias*, warrant or *capias mittimus*, or a copy thereof made by any photographic, micrographic, electronic imaging or other process, which clearly and accurately copies such original document, in his hands for service.

(e) Any state marshal of any precinct may serve any person confined in any correctional institution or community correctional center in this state.

Sec. 3. Section 52-583 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

No civil action shall be brought against any sheriff, [sheriff's deputy] state marshal or constable, for any neglect or default in his or her office or duty, but within two years next after the right of action accrues.

Sec. 4. Section 52-593a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

(a) Except in the case of an appeal from an administrative agency governed by section 4-183, a cause or right of action shall not be lost because of the passage of the time limited by law within which the action may be brought, if the process to be served is personally delivered to a state marshal, [authorized to serve the process]

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constable or other proper officer within such time and the process is served, as provided by law, within thirty days of the delivery.

(b) In any such case, the [state marshal] officer making service shall endorse under oath on such [state marshal's] officer's return the date of delivery of the process to such [state marshal] officer for service in accordance with this section.

Sec. 5. Section 52-260 of the general statutes is amended by adding subsection (h) as follows (*Effective October 1, 2010*):

(NEW) (h) The fees of any witness summoned by a party other than the state to testify in any action or proceeding shall be paid to the witness by such party on the day of attendance of such witness.

Approved June 8, 2010