

IN THE SENATE

SENATE BILL NO. 1009

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO THE COMMENCEMENT OF ACTIONS; AMENDING SECTION 5-508, IDAHO CODE,  
2 TO REVISE PROVISIONS RELATING TO SERVICE UPON CERTAIN PERSONS OUTSIDE  
3 OF THIS STATE.  
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5 Be It Enacted by the Legislature of the State of Idaho:

6 SECTION 1. That Section 5-508, Idaho Code, be, and the same is hereby  
7 amended to read as follows:

8 5-508. SERVICE BY PUBLICATION -- AFFIDAVIT. When the person on whom  
9 the service is to be made resides outside of the state, or has departed from  
10 the state, or cannot after due diligence be found within the state, or con-  
11 ceals himself therein to avoid the service of summons, or is a foreign cor-  
12 poration having no managing or business agent, cashier or secretary within  
13 this state, or where any persons are made defendant by the style and descrip-  
14 tion of unknown owners, or unknown heirs or unknown devisees of any deceased  
15 person and the names of such unknown owners or heirs or devisees are unknown  
16 to the complainant in the action, and such facts appear by affidavit to the  
17 satisfaction of the court in which the suit is pending, and it also appears by  
18 the verified complaint on file that a cause of action exists against defen-  
19 dant in respect to whom the service is to be made, and that he is a necessary  
20 or proper party to the action, the court may make an order for the publication  
21 of the summons, ~~or, if the address of the defendant outside of the state is~~  
22 ~~known, may make an order that personal service of the summons may be made out-~~  
23 ~~side of the state in lieu of such publication;~~ and an affidavit setting forth  
24 in ordinary and concise language any of the grounds as above set forth, upon  
25 which the publication of the summons is sought, shall be sufficient without  
26 setting forth or showing what efforts have been made or what diligence has  
27 been exerted in attempting to find the defendant. Service upon any person,  
28 firm, company, association or corporation who is subject to the jurisdic-  
29 tion of the courts of this state pursuant to the provisions of section 5-514,  
30 Idaho Code, may be made in the manner provided in section 5-515, Idaho Code.