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## City Council passes bill targeting credit-collection agencies accused of failing to notify debtors that they have lawsuits against them.



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(AP) - Process servers, you've been served — with stricter regulations. New York's City Council passed a bill Thursday toughening rules for entities that hunt down people and serve them with legal papers, including a requirement that they electronically log every attempt.

The legislation also ensures that deceitful process servers who dump papers instead of serving them — a trick known as "sewer service" — could be liable if the people they were supposed to serve then turn and sue them.

The City Council approved the legislation largely to crack down on debt collection agencies that are often accused of failing to notify debtors that they have lawsuits pending against them.

Out of some 300,000 consumer credit cases filed in New York civil courts in 2008, about 80% resulted in default judgments in favor of the plaintiffs, the city said, meaning most defendants didn't know they were being sued.

The bill addresses not only consumer credit but also the entire industry of process servers in New York City. Supporters of the legislation said improperly served papers prevent people from knowing debt collectors, landlords or others are taking action against them, and they often don't find out until their wages are garnished or bank accounts are frozen.

"By raising standards in the industry and using new technologies, we will give New Yorkers a fair chance to answer claims against them," said Councilman Daniel Garodnick, the bill's sponsor.

The National Association of Professional Process Servers said many states and cities have laws regulating process servers in some fashion, mostly requiring registration, licensing and, in some cases, a form of insurance or bond.

Process servers must be licensed in New York City, and the consumer affairs agency licenses more than 2,000 individual servers and some 135 companies.

But it amounts to little more than filling out a form, supporters of the bill say.

Under the new legislation, process servers must pass an exam showing they understand the law. They also must electronically log their attempts to serve papers, using wireless or GPS, and keep those records in a database



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The National Association of Professional Process Servers opposed the bill partly because of the electronic requirement, arguing it would do little to stop document dumping and other unscrupulous acts. Servers could still go to a target's home or place of employment and click their device indicating the person was served, even if that weren't true.

"If someone wants to say they served someone when they didn't, they can still say they served it – the GPS doesn't do anything," said Gary Crowe, the group's administrator.

The legislation also requires independent process servers to file a \$10,000 surety bond and companies to file a \$100,000 surety bond with the city to guarantee compliance with the regulations.

Process servers said Thursday that the bill, which Mayor Michael Bloomberg is expected to sign, unfairly penalizes honest operators.

"What they should do is punish bad apples as opposed to punishing everybody else who does a decent day's work," said Joel Graber, president of United Process Service.

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