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SB-85 Civil actions: service of summons. (2025-2026)

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Senate Bill No. 85

CHAPTER 403

An act to amend Section 413.30 of the Code of Civil Procedure, relating to civil actions.

[Approved by Governor October 06, 2025. Filed with Secretary of State October 06, 2025.]

LEGISLATIVE COUNSEL'S DIGEST

SB 85, Umberg. Civil actions: service of summons.

Existing law prescribes specified methods for the service of a summons in a civil action. Under existing law, if no provision is made in statute for the service of summons, a court may direct a summons to be served in a manner that is reasonably calculated to give actual notice to the party to be served.

This bill would also authorize a court to direct a summons to be served in a manner that is reasonably calculated to give actual notice to the party to be served if a plaintiff, exercising reasonable diligence, has been unable to serve the summons using methods prescribed by statute. The bill would authorize a court, upon motion, to direct service of the summons by electronic means, if such service is reasonably calculated to give actual notice. The bill would require a plaintiff seeking to establish reasonable diligence under this section to set forth facts that detail, as specified, the attempts to effect service pursuant to the methods prescribed by statute. The bill would also except actions against public entities or agents or employees of public entities from these provisions.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 413.30 of the Code of Civil Procedure is amended to read:

413.30. (a) (1) If no provision is made in this chapter or other law for the service of summons, or if a plaintiff, despite exercising reasonable diligence, has been unable to effect service of the summons by any of the methods authorized under this chapter, the court in which the action is pending may, upon motion, direct that summons be served in a manner that is reasonably calculated to give actual notice to the party to be served, including by electronic mail or other electronic technology, and that proof of such service be made as prescribed by the court.

(2) A plaintiff seeking to establish reasonable diligence under this section shall set forth facts detailing all attempts to serve the defendant by each of the methods prescribed by statute, including facts demonstrating why each method was unsuccessful at every address or location where the defendant is likely to be found.

(b) This section does not apply in an action against a governmental entity or an agent or employee of the governmental entity who has been sued in an official or individual capacity.

