

New California Law Will Require a Photograph of Every Service Attempt

Assembly Bill 747 becomes operative January 1, 2027, adding photograph, attempt, and public register duties to California civil procedure.

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-- California will require documentary proof of every attempt to deliver a summons from January 1, 2027, when the substantive provisions of Assembly

Bill 747 become operative. The SPARE Act, signed on October 10, 2025, is officially designated as Chapter 563 of the 2025 Statutes. While some interim amendments took effect earlier, the main provisions will take effect later.



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A signature on a return ends the conversation. From 2027, it starts one, and the photograph is what the court will look at.”

Brandon Yadegar, Director and Client Manager at On Call Legal.

The act amends or replaces eight sections of the Code of Civil Procedure and one section of the Business and Professions Code and adds a ninth, section 473.2. Reasonable diligence becomes a defined term, every attempt must be photographed, and unlawful service becomes easier to challenge.

What The New Proof of Service Must Show

Section 415.20 of the Code of Civil Procedure allows substituted service only where a summons “cannot with reasonable diligence be personally delivered” and attaches no number to that phrase. The successor supplies one. New section 415.20(b)(2) provides that a party shows reasonable diligence “by attempting personal delivery of the summons and complaint, in good faith, on at least three occasions on three different days at three different times.”

The documentary burden sits in the new Code of Civil Procedure section 417.10, which requires the proof of service to include one or more photographs of the site of each effected or attempted service under sections 415.10, 415.20 and 415.45. Each must carry “a readable stamp

that establishes and automatically records the date, time, and global positioning system (GPS) or equivalent coordinates.” At a dwelling, section 417.10(a)(2)(A) requires that one photograph show the door, or the entrance where the door is not reasonably accessible. Where no signal is available, or where a photograph would compromise the server’s safety in the server’s reasonable judgment, a detailed statement takes its place.



Process Server Laws in California

Challenging a Default Becomes Easier

The second change runs the other way. Evidence Code section 647 provides that the return of a registered process server “establishes a presumption, affecting the burden of producing evidence, of the facts stated in the return.” New Code of Civil Procedure section 473.2 narrows that. A party moving to set aside a default must proffer evidence, by affidavit or otherwise, that service was not lawfully effected, and doing so “rebutts a presumption of the facts stated in the process server’s return.” The party that sought the default then bears “the burden of proving by a preponderance of the evidence that service of the summons and complaint was lawful,” and subdivision (d) guarantees a hearing with oral testimony on request.

Because of a five-word insertion elsewhere in the act, that motion has no deadline. New section 473.5 reaches only cases where service “was lawfully effected but” failed to produce actual notice and keeps its two-year outside limit. Challenges asserting unlawful service fall instead under section 473.2, which states no time limit. The registered server’s affidavit becomes a weaker instrument than it is today.

What Registration Does Not Authorize

Registration itself was not altered. It sits in the Business and Professions Code at section 22350, the Process Servers Act, while the Code of Civil Procedure governs how a summons is served in sections 413.10 through 417.40. A natural person who makes more than 10 paid services in a calendar year must register with the county clerk, so the duty attaches at the eleventh, while companies face no threshold at all. From January 1, 2027, new section 22355(a) directs each county clerk to maintain “a publicly available register of process servers.” The [process server requirements](#) behind each entry are unchanged.

Registration confers a limited and conditional set of powers. Penal Code sections 602(n) and 602.8(c)(3) exempt a person described in Business and Professions Code section 22350 from two trespass offenses, on condition that the server goes straight to the door and leaves once

finished or once asked. No comparable exemption appears in Penal Code section 602.5, so entering a dwelling without consent remains a misdemeanor, and section 602.5(b) treats it as aggravated trespass where a resident is present. Code of Civil Procedure section 415.21 grants access to a gated community and extends to [subpoena service](#) as well, though subdivision (b) limits it to premises staffed by a guard.

Two widely repeated limits do not sit where readers assume. The 8 a.m. to 8 p.m. window comes from Code of Civil Procedure section 1011(b)(1), which governs papers served after a party has appeared, and no equivalent limit appears in the summons chapter. Sunday is a legal holiday under Government Code section 6700(a)(1), which is why many assume papers cannot be delivered then. Section 134 closes the courts on judicial holidays, and sections 12a and 13 extend deadlines falling on one. None restricts a server.

Firms serving papers in California have until January 1, 2027, to align [process serving](#) workflows with the new standards. On Call Legal is a legal support company and not a law firm, and the foregoing describes court procedure rather than legal advice.

About On Call Legal

On Call Legal has served legal documents since 1999. The company provides nationwide coverage across all 50 states and all 58 California counties, with Los Angeles County depth spanning 88 incorporated cities and 38 courthouse locations. It is a member of NAPPS and CALSPro. Each attempt is recorded with a timestamp in a client portal, and the company provides court-acceptable proof of service.

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