



How to serve a Small Claims case if you were involved in a car accident with a driver or owner who lives outside of California?

1. You should have the correct name and address of the driver and the registered owner of the other vehicle, if they are different.
 - This information may be available from the DMV or from the police report.
2. Complete the “*Small Claims Plaintiff’s Statement*” (form # 1090).
3. Name both the driver of the other automobile and the registered owner as defendants on the form. You may want to serve both individuals.
4. You must file the claim in the correct venue (court). You may file at the court that serves the city where the accident happened. Be sure to set the hearing for at least 70 days in the future to allow time for service on DMV and out-of-state Defendants.
5. After filing, copies of the claim are given to you for service. California law requires you to serve copies of the claim on the Defendants. You must also serve the Director of the DMV for each defendant who lives out of state.
 - A. Serve one copy on each out of state Defendant by personal service through a sheriff or process server, or by certified or registered mail through the clerk to the addressee only, with a return receipt requested on the Director of the DMV along with a \$2.00 check made payable to DMV for each defendant being served. Send it to:

Office of the Director
Department of Motor Vehicles
Attn: Legal Office, E-128
2415 First Ave.
Sacramento, CA 95818
 - B. Serve each Defendant with a copy of the Plaintiff’s Claim. You may contact the Sheriff, or other process server in the area where the Defendant(s) live, to serve the documents.

- What do I do if the driver lives outside of California and the owner lives in California, or vice-versa?

You must serve both of them, but you only need to serve the DMV for the out of state Defendant.

You must file both the acknowledgment of receipt from DMV and the proof of service of the out-of-state defendant at the small claims court at least three court days prior to your hearing.

Note: If you obtain a judgment against an out-of-state individual who does not have assets in California, you cannot enforce your judgment in California. You will need to register your judgment in the state where the Out-of-state individual has funds and collect your judgment through that state. This can be expensive and time consuming.