

Rule 3. Commencement of the Action; Service of the Complaint; Filing of the Action**3.01 Commencement of the Action**

A civil action is commenced against each defendant:

- (a) when the summons is served upon that defendant, or
- (b) at the date of acknowledgement of service if service is made by mail or other means consented to by the defendant either in writing or electronically, or
- (c) when the summons is delivered to the sheriff in the county where the defendant resides for service; but such delivery shall be ineffectual unless within 60 days thereafter the summons is actually served on that defendant or the first publication thereof is made.

Filing requirements are set forth in Rule 5.04, which requires filing with the court within one year after commencement for non-family cases.

(Amended effective July 1, 2013; amended effective July 1, 2015.)

3.02 Service of Complaint

A copy of the complaint shall be served with the summons, except when the service is by publication as provided in Rule 4.04.

Advisory Committee Comments - 2015 Amendments

This rule is amended to add the explicit provision for consent to service by any means in subdivision (b), not only service by mail. If the party to be served consents to service, the service is effective and constitutionally sound regardless of method. Thus, a party may consent to service by ordinary electronic mail even though the rules do not otherwise provide for it.