

Amend CSSB 279 by adding the following ARTICLE and SECTIONS, appropriately numbered, and renumbering the ARTICLES and SECTIONS of the bill as appropriate:

ARTICLE \_\_\_\_\_. REGULATION OF PRIVATE PROCESS SERVERS

Section \_\_\_\_\_.01. The Civil Practice and Remedies Code is amended by adding Title 8 to read as follows:

TITLE 8. CIVIL PROCESS

CHAPTER 191. PRIVATE PROCESS SERVERS

Sec. 191.001. DEFINITIONS. In this chapter:

(1) "Commission" means the Texas Commission of Licensing and Regulation.

(2) "Department" means the Texas Department of Licensing and Regulation.

(3) "Executive director" means the executive director of the department.

Sec. 191.002. APPLICABILITY OF CHAPTER. (a) This chapter does not apply to a sheriff, constable, or clerk of a court engaged in the discharge of that person's official duties.

(b) This chapter does not limit or restrict the service of process in this state as provided by a court order.

(c) Chapter 51, Occupations Code, applies to this chapter.

Sec. 191.003. RULES. The commission shall adopt rules for the implementation of this chapter.

Sec. 191.004. FEES. The commission by rule shall set fees in amounts reasonable and necessary to cover the costs of administering this chapter.

Sec. 191.005. LICENSE OR REGISTRATION REQUIRED. A person may not serve civil process in this state unless the person is licensed or registered under this chapter.

Sec. 191.006 LICENSE APPLICATION; TEMPORARY LICENSE. (a) An applicant for an initial process server license under this chapter must submit an application on a form prescribed by the executive director. To be eligible for a license under this section, an applicant must:

(1) be at least 18 years of age;

(2) not have been convicted of a misdemeanor involving moral turpitude or a felony;

(3) submit the nonrefundable application fee; and  
(4) comply with the requirements adopted under  
Subsection (b).

(b) Each license applicant must provide proof to the  
department, in a manner acceptable to the department, of:

(1) completion of a department-approved seminar  
consisting of at least eight hours of instruction in civil process;  
and

(2) maintenance of insurance coverage as required by  
rules adopted by the commission.

(c) An applicant who is employed in this state as a sheriff,  
constable, or clerk of a court is exempt from any requirement for a  
criminal background check and any civil process instruction  
requirements for a license under this chapter.

(d) The executive director shall issue a temporary license  
not later than the 30th day after the date an applicant submits  
evidence satisfactory to the department that the applicant has  
properly completed the application, has paid all required fees, and  
meets all of the qualifications established by this chapter and by  
rule of the commission. A temporary license is valid for not more  
than 90 days after the date of issuance. If, on completion of the  
license application process, the executive director denies an  
application for a license, the applicant shall return the  
applicant's temporary license and immediately stop serving process  
under this chapter.

Sec. 191.007. AGENT REGISTRATION. (a) A person registered  
under this chapter as the agent of a license holder may execute  
civil process under this chapter on behalf of the license holder.

(b) An applicant for an agent registration shall submit an  
application to the department on a form prescribed by the executive  
director. To be eligible for registration under this section, an  
applicant must:

(1) be at least 18 years of age;  
(2) not have been convicted of a misdemeanor involving  
moral turpitude or a felony;

(3) provide proof to the department, in a manner  
acceptable to the department, that the applicant:

(A) has completed a department-approved seminar consisting of at least eight hours of instruction in civil process; and

(B) maintains insurance coverage as required by rules adopted by the commission; and

(4) submit the nonrefundable application fee and the registration fee.

(c) An applicant who is employed in this state as a sheriff, constable, or clerk of a court is exempt from any requirement for a criminal background check and any civil process instruction requirements for an agent registration under this chapter.

Sec. 191.008. POWERS AND DUTIES OF LICENSE HOLDERS AND REGISTERED AGENTS. A license holder or registered agent may serve civil process issued by the courts of this state in the manner provided by law for service by sheriffs and constables. The person may serve the process on any day of the week anywhere in this state.

Sec. 191.009. PUBLIC SERVANT; OFFICER OF COURT. Each license holder and registered agent shall be considered to be a public servant when performing duties related to serving process and considered to be an officer of the civil courts of this state, but may not be considered to be a peace officer based on that license or registration. An assault on a license holder or registered agent shall be treated as an assault on a public servant.

Sec. 191.010. ENFORCEMENT. (a) The commission may assess and collect administrative penalties for a violation of this chapter or a commission rule or order under Chapter 51, Occupations Code.

(b) The commission may issue administrative sanctions for a violation of this chapter or a commission rule or order under Chapter 51, Occupations Code.

(c) The department may issue cease and desist orders.

SECTION \_\_\_\_\_. 02. (a) Except as provided by Subsection (b) of this section, this article takes effect September 1, 2003.

(b) Section 191.005, Civil Practice and Remedies Code, as added by this Act, takes effect March 31, 2004.