

By: Solomons

H.B. No. 2219

A BILL TO BE ENTITLED

AN ACT

relating to service of process on financial institutions.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 17, Civil Practice and Remedies Code, is amended by adding Section 17.028 to read as follows:

Sec. 17.028. SERVICE ON FINANCIAL INSTITUTIONS. (a) In this section, "financial institution" has the meaning assigned by Section 201.101, Finance Code.

(b) Except as provided by Subsection (c), in an action against a financial institution, citation may be served by:

(1) serving the registered agent of the financial institution; or

(2) if the financial institution does not have a registered agent, serving the president or a branch manager at any office located in this state.

(c) In an action against a credit union organized under the laws of this state, another state, or federal law, citation may be served by:

(1) serving the registered agent of the credit union;
or

(2) if the credit union does not have a registered agent, serving the president or vice president.

(d) If citation has not been properly served as provided by

1 this section, a financial institution may maintain an action to set
2 aside the default judgment or any sanctions entered against the
3 financial institution.

4 SECTION 2. Section 32.202(a), Finance Code, is amended to
5 read as follows:

6 (a) Each state bank must have and continuously maintain in
7 this state a home office. The home office must be a location at
8 which the bank does business with the public and keeps its corporate
9 books and records. At least one officer of the bank must maintain
10 an office at the home office. [~~In addition to the registered agent~~
11 ~~for the bank, if one is maintained pursuant to Section 201.103, each~~
12 ~~officer at the home office is an agent for service of process for~~
13 ~~the bank.]~~

14 SECTION 3. Section 182.202(b), Finance Code, is repealed.

15 SECTION 4. This Act applies to all process served on a
16 financial institution on or after the effective date of this Act,
17 without regard to whether the process was issued before, on, or
18 after that date.

19 SECTION 5. This Act takes effect September 1, 2007.