

1-1 By: Solomons (Senate Sponsor - Harris) H.B. No. 2219
1-2 (In the Senate - Received from the House April 16, 2007;
1-3 April 17, 2007, read first time and referred to Committee on State
1-4 Affairs; May 8, 2007, reported favorably by the following vote:
1-5 Yeas 8, Nays 0; May 8, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to service of process on financial institutions.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Subchapter B, Chapter 17, Civil Practice and
1-11 Remedies Code, is amended by adding Section 17.028 to read as
1-12 follows:

1-13 Sec. 17.028. SERVICE ON FINANCIAL INSTITUTIONS. (a) In
1-14 this section, "financial institution" has the meaning assigned by
1-15 Section 201.101, Finance Code.

1-16 (b) Except as provided by Subsection (c), in an action
1-17 against a financial institution, citation may be served by:

1-18 (1) serving the registered agent of the financial
1-19 institution; or

1-20 (2) if the financial institution does not have a
1-21 registered agent, serving the president or a branch manager at any
1-22 office located in this state.

1-23 (c) In an action against a credit union organized under the
1-24 laws of this state, another state, or federal law, citation may be
1-25 served by:

1-26 (1) serving the registered agent of the credit union;
1-27 or

1-28 (2) if the credit union does not have a registered
1-29 agent, serving the president or vice president.

1-30 (d) If citation has not been properly served as provided by
1-31 this section, a financial institution may maintain an action to set
1-32 aside the default judgment or any sanctions entered against the
1-33 financial institution.

1-34 (e) A citation served on a credit union that is located in a
1-35 place of worship may not be served during a worship service.

1-36 SECTION 2. Section 32.202(a), Finance Code, is amended to
1-37 read as follows:

1-38 (a) Each state bank must have and continuously maintain in
1-39 this state a home office. The home office must be a location at
1-40 which the bank does business with the public and keeps its corporate
1-41 books and records. At least one officer of the bank must maintain
1-42 an office at the home office. [~~In addition to the registered agent~~
1-43 ~~for the bank, if one is maintained pursuant to Section 201.103, each~~
1-44 ~~officer at the home office is an agent for service of process for~~
1-45 ~~the bank.]~~

1-46 SECTION 3. Section 182.202(b), Finance Code, is repealed.

1-47 SECTION 4. This Act applies to all process served on a
1-48 financial institution on or after the effective date of this Act,
1-49 without regard to whether the process was issued before, on, or
1-50 after that date.

1-51 SECTION 5. This Act takes effect September 1, 2007.

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