

By: Van de Putte

S.B. No. 1645

A BILL TO BE ENTITLED

AN ACT

relating to who may serve process in this state.

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

SECTION 1. Chapter 30, Civil Practice and Remedies Code, is amended by adding Section 30.006 to read as follows:

Sec. 30.006. PROCESS SERVERS. (a) Notwithstanding the Texas Rules of Civil Procedure and except as provided by Subsection (b), any process in a suit, including citation and other notices, writs, orders, and other papers issued by a court, may be served by any individual who:

(1) is 18 years of age or older; and

(2) is not a party to the suit or interested in the outcome of the suit.

(b) Unless otherwise authorized by written court order, only a sheriff or constable may serve:

(1) a citation in an action of forcible entry and detainer;

(2) a writ that requires the actual taking of possession of a person, property, or thing; or

(3) process requiring that an enforcement action be physically enforced by the person delivering the process.

(c) Notwithstanding Section 22.004, Government Code, the supreme court may not amend or adopt rules in conflict with this section.

1 SECTION 2. This Act applies to the service of process in a
2 suit on or after the effective date of this Act, without regard to
3 whether the suit commenced before, on, or after that date.

4 SECTION 3. This Act takes effect immediately if it receives
5 a vote of two-thirds of all the members elected to each house, as
6 provided by Section 39, Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect, this
8 Act takes effect September 1, 2007.