

## **BILL ANALYSIS**

H.B. 1804  
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Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Section 17.091, Civil Practices and Remedies Code, provides that the secretary of state is an agent for service of process for a nonresident defendant in a suit to collect delinquent property taxes. This provision is currently limited to nonresidents who were Texas residents at the time the delinquency accrued. In many cases, the owner of the property has never been and will never be a Texas resident. This limitation means that school districts, counties, and municipalities are unable to pursue collection against many nonresidents who owe property taxes.

H.B. 1804 authorizes the secretary of state to act as an agent for service of process for nonresidents who owe delinquent taxes on property they own in Texas.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 1804 amends the Civil Practice and Remedies Code to make the provision designating the secretary of state an agent for service of process on a defendant who is a nonresident in a suit to collect delinquent property taxes applicable regardless of whether the defendant has resided in Texas. The bill requires duplicate copies of the process issued by the clerk of the court in which the suit is pending to be served on the secretary of state not later than the 20th day before the date of return stated in the process. The bill requires the process to include the name and address of the nonresident's home or home office, and authorizes the address to be a post office box. The bill requires the secretary of state, immediately after being served, to mail a copy of the process to the nonresident at the address provided in the process by certified mail, return receipt requested, with the postage prepaid. The bill requires the secretary of state to certify to the court that issued the process that the secretary of state has complied with these provisions. The bill removes provisions to make conforming changes.

### **EFFECTIVE DATE**

September 1, 2009.