

BILL ANALYSIS

Senate Research Center
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S.B. 1388
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Jurisprudence
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Process Server Review Board was established to improve the standards for persons authorized to serve process and reduce the disparity among Texas civil courts for approving persons to serve process by making recommendations to the Supreme Court of Texas on the certification of individuals and the approval of educational courses.

As proposed, S.B. 1388 authorizes the Office of Court Administration of the Texas Judicial System to establish a certification division to oversee the regulatory programs assigned to it. S.B. 1388 establishes a fee to be charged for process server certification and renewal of certification. The fee will be recommended by the Process Server Review Board to the Texas Supreme Court which must approve the fees before they may be collected. S.B. 1388 clarifies that a person appointed to the Process Review Server Board is prohibited from being compensated except for reimbursement for actual and necessary expenses incurred in performing board duties.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Supreme Court of Texas in SECTION 1 (Section 51.008, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 51, Government Code, by adding Section 51.008, as follows:

Sec. 51.008. FEES FOR PROCESS SERVER CERTIFICATION; PROCESS SERVER CERTIFICATION ACCOUNT. (a) Authorizes the process server review board (review board) established by Supreme Court of Texas (supreme court) order to recommend to the supreme court the fees to be charged for process server certification and renewal of certification. Requires the supreme court to approve the fees recommended by the review board before the fee is authorized to be collected.

(b) Authorizes the supreme court by rule to implement a system under which certifications expire on various dates during the year. Authorizes the fee for the certification, if a certification is issued or renewed for a term that is less than the certification period provided by supreme court rule, to be prorated so that he process server pays only that portion of the fee that is allocable to the number of months during which the certification is valid. Provides that the entire certification renewal fee is payable on renewal of the certification on the new expiration date.

(c) Authorizes the Office of Court Administration of the Texas Judicial System (OCA) to collect the fees recommended by the review board and approved by the supreme court. Requires that fees collected under this section be sent to the comptroller for deposit to the credit of the process server certification account.

(d) Provides that the process server certification account is an account in the general revenue fund. Authorizes money in the account to be appropriated only to the supreme court or the office of court administration for the support of

certification programs of the supreme court, the review board, or the office of court administration.

SECTION 2. Amends Subchapter B, Chapter 72, Government Code, by adding Sections 72.013 and 72.014, as follows:

Sec. 72.013. PROCESS SERVER REVIEW BOARD. Provides that a person appointed to the review board established by supreme court order serves without compensation but is entitled to reimbursement for actual and necessary expenses incurred in traveling and performing official board duties. Authorizes reimbursement to be made from the process server certification account.

Sec. 72.014. CERTIFICATION DIVISION. Requires OCA to establish a certification division to oversee the regulatory programs assigned to OCA by law or by the supreme court.

SECTION 3. (a) Provides that the fees recommended and approved under Section 51.008, Government Code, as added by this Act, apply to each person who holds a process server certification on the effective date of this Act and each person who applies for process server certification on or after the effective date of this Act.

(b) Authorizes OCA to prorate the process server certification fee so that a person who holds a process server certification on the effective date of this Act pays only that portion of the fee that is allocable to the number of months during which the certification is valid. Provides that on renewal of the certification on the new expiration date, the entire certification renewal fee is payable.

SECTION 4. Effective date: September 1, 2009.