

By: Hughes

H.B. No. 1804

A BILL TO BE ENTITLED

AN ACT

relating to service of process for delinquent taxes on a nonresident.

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

SECTION 1. Sections 17.091(a), (b), and (c), Civil Practice and Remedies Code, are amended to read as follows:

(a) In a suit to collect delinquent property taxes by the state or a political subdivision of the state in which a person who is a defendant in the suit is a nonresident, the secretary of state is an agent for service of process on that defendant if the defendant owns, has, or claims an interest in or a lien against property in this state that is the subject of the suit. This section applies regardless of whether the defendant has resided in this state.

(b) Duplicate copies of the process issued by the clerk of the court in which the suit is pending must be served on the secretary of state not later than the 20th day before the date of return stated in the process. The process must include the name and address of the nonresident's home or home office. The address may be a post office box. ~~[Process may be served on the secretary of state in accordance with this section for a nonresident who was a resident at the time the cause of action accrued but has subsequently moved.]~~

(c) Immediately after being served, the secretary of state

1 shall mail a copy of the process to the nonresident at the address  
2 provided under Subsection (b) by certified mail, return receipt  
3 requested, with the postage prepaid. The secretary of state shall  
4 certify to the court that issued the process that the secretary of  
5 state has complied with this section. [~~Service of process under~~  
6 ~~this section shall be made in the manner provided by this chapter~~  
7 ~~for substituted service on nonresident motor vehicle operators,~~  
8 ~~except that a copy of the process must be mailed by certified mail.~~]

9       SECTION 2. Section 17.091, Civil Practice and Remedies  
10 Code, as amended by this Act, applies only to service of process  
11 issued on or after the effective date of this Act. Service of  
12 process issued before the effective date of this Act is governed by  
13 the law as it existed immediately before the effective date of this  
14 Act, and that law is continued in effect for that purpose.

15       SECTION 3. This Act takes effect September 1, 2009.