

1-1 By: Hughes (Senate Sponsor - Watson) H.B. No. 1804
1-2 (In the Senate - Received from the House April 27, 2009;
1-3 April 27, 2009, read first time and referred to Committee on
1-4 Jurisprudence; April 30, 2009, reported favorably by the following
1-5 vote: Yeas 4, Nays 0; April 30, 2009, sent to printer.)

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

1-8 relating to service of process for delinquent taxes on a
1-9 nonresident.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Sections 17.091(a), (b), and (c), Civil Practice
1-12 and Remedies Code, are amended to read as follows:

1-13 (a) In a suit to collect delinquent property taxes by the
1-14 state or a political subdivision of the state in which a person who
1-15 is a defendant in the suit is a nonresident, the secretary of state
1-16 is an agent for service of process on that defendant if the
1-17 defendant owns, has, or claims an interest in or a lien against
1-18 property in this state that is the subject of the suit. This
1-19 section applies regardless of whether the defendant has resided in
1-20 this state.

1-21 (b) Duplicate copies of the process issued by the clerk of
1-22 the court in which the suit is pending must be served on the
1-23 secretary of state not later than the 20th day before the date of
1-24 return stated in the process. The process must include the name and
1-25 address of the nonresident's home or home office. The address may
1-26 be a post office box. [Process may be served on the secretary of
1-27 state in accordance with this section for a nonresident who was a
1-28 resident at the time the cause of action accrued but has
1-29 subsequently moved.]

1-30 (c) Immediately after being served, the secretary of state
1-31 shall mail a copy of the process to the nonresident at the address
1-32 provided under Subsection (b) by certified mail, return receipt
1-33 requested, with the postage prepaid. The secretary of state shall
1-34 certify to the court that issued the process that the secretary of
1-35 state has complied with this section. [Service of process under
1-36 this section shall be made in the manner provided by this chapter
1-37 for substituted service on nonresident motor vehicle operators,
1-38 except that a copy of the process must be mailed by certified mail.]

1-39 SECTION 2. Section 17.091, Civil Practice and Remedies
1-40 Code, as amended by this Act, applies only to service of process
1-41 issued on or after the effective date of this Act. Service of
1-42 process issued before the effective date of this Act is governed by
1-43 the law as it existed immediately before the effective date of this
1-44 Act, and that law is continued in effect for that purpose.

1-45 SECTION 3. This Act takes effect September 1, 2009.

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