

By: Wentworth

S.B. No. 1388

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to process server certification and the establishment of a  
3 certification division within the Office of Court Administration of  
4 the Texas Judicial System.

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

6 SECTION 1. Subchapter A, Chapter 51, Government Code, is  
7 amended by adding Section 51.008 to read as follows:

8 Sec. 51.008. FEES FOR PROCESS SERVER CERTIFICATION; PROCESS  
9 SERVER CERTIFICATION ACCOUNT. (a) The process server review board  
10 established by supreme court order may recommend to the supreme  
11 court the fees to be charged for process server certification and  
12 renewal of certification. The supreme court must approve the fees  
13 recommended by the process server review board before the fee may be  
14 collected.

15 (b) If a certification is issued or renewed for a term that  
16 is less than the certification period provided by supreme court  
17 rule, the fee for the certification shall be prorated so that the  
18 process server pays only that portion of the fee that is allocable  
19 to the period during which the certification is valid. On renewal  
20 of the certification on the new expiration date, the process server  
21 must pay the entire certification renewal fee.

22 (c) The Office of Court Administration of the Texas Judicial  
23 System may collect the fees recommended by the process server  
24 review board and approved by the supreme court. Fees collected

1 under this section shall be sent to the comptroller for deposit to  
2 the credit of the process server certification account.

3 (d) The process server certification account is an account  
4 in the general revenue fund. Money in the account may be  
5 appropriated only to the supreme court or the office of court  
6 administration for the support of regulatory programs of the  
7 supreme court or the office of court administration.

8 SECTION 2. Subchapter B, Chapter 72, Government Code, is  
9 amended by adding Sections 72.013 and 72.014 to read as follows:

10 Sec. 72.013. PROCESS SERVER REVIEW BOARD. A person  
11 appointed to the process server review board established by supreme  
12 court order serves without compensation but is entitled to  
13 reimbursement for actual and necessary expenses incurred in  
14 traveling and performing official board duties. Reimbursement may  
15 be made from the process server certification account.

16 Sec. 72.014. CERTIFICATION DIVISION. The office shall  
17 establish a certification division to oversee the regulatory  
18 programs assigned to the office by law or by the supreme court.

19 SECTION 3. (a) The fees recommended and approved under  
20 Section 51.008, Government Code, as added by this Act, apply to:

21 (1) each person who holds a process server  
22 certification on the effective date of this Act; and

23 (2) each person who applies for process server  
24 certification on or after the effective date of this Act.

25 (b) The Office of Court Administration of the Texas Judicial  
26 System shall prorate the process server certification fee so that a  
27 person who holds a process server certification on the effective

1 date of this Act pays only that portion of the fee that is allocable  
2 to the period during which the certification is valid. On renewal  
3 of the certification on the new expiration date, the entire  
4 certification renewal fee is payable.

5 SECTION 4. This Act takes effect September 1, 2009.