

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) The supreme court by rule may implement a system under
16 which certifications expire on various dates during the year. If a
17 certification is issued or renewed for a term that is less than the
18 certification period provided by supreme court rule, the fee for
19 the certification may be prorated so that the process server pays
20 only that portion of the fee that is allocable to the number of
21 months during which the certification is valid. On renewal of the
22 certification on the new expiration date, the entire certification
23 renewal fee is payable.

24 (c) The Office of Court Administration of the Texas Judicial

1 System may collect the fees recommended by the process server
2 review board and approved by the supreme court. Fees collected
3 under this section shall be sent to the comptroller for deposit to
4 the credit of the process server certification account.

5 (d) The process server certification account is an account
6 in the general revenue fund. Money in the account may be
7 appropriated only to the supreme court or the office of court
8 administration for the support of certification programs of the
9 supreme court, the process server review board, or the office of
10 court administration.

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

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

19 Sec. 72.014. CERTIFICATION DIVISION. The office shall
20 establish a certification division to oversee the regulatory
21 programs assigned to the office by law or by the supreme court.

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

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

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

1 (b) The Office of Court Administration of the Texas Judicial
2 System may prorate the process server certification fee so that a
3 person who holds a process server certification on the effective
4 date of this Act pays only that portion of the fee that is allocable
5 to the number of months during which the certification is valid. On
6 renewal of the certification on the new expiration date, the entire
7 certification renewal fee is payable.

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