1-1   By: Wentworth   S.B. No. 1388
1-2   (In the Senate - Filed March 5, 2009; March 17, 2009, read
1-3   first time and referred to Committee on Jurisprudence;
1-4   April 6, 2009, reported adversely, with favorable Committee
1-5   Substitute by the following vote: Yeas 5, Nays 0; April 6, 2009,
1-6   sent to printer.)

1-7   COMMITTEE SUBSTITUTE FOR S.B. No. 1388   By: Wentworth

1-8   A BILL TO BE ENTITLED
1-9   AN ACT

1-10 relating to process server certification and the establishment of a
1-11 certification division within the Office of Court Administration of
1-12 the Texas Judicial System.
1-13   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-14   SECTION 1. Subchapter A, Chapter 51, Government Code, is
1-15 amended by adding Section 51.008 to read as follows:
1-16   Sec. 51.008. FEES FOR PROCESS SERVER CERTIFICATION; PROCESS
1-17 SERVER CERTIFICATION ACCOUNT. (a) The process server review board
1-18 established by supreme court order may recommend to the supreme
1-19 court the fees to be charged for process server certification and
1-20 renewal of certification. The supreme court must approve the fees
1-21 recommended by the process server review board before the fee may be
1-22 collected.
1-23   (b) If a certification is issued or renewed for a term that
1-24 is less than the certification period provided by supreme court
1-25 rule, the fee for the certification shall be prorated so that the
1-26 process server pays only that portion of the fee that is allocable
1-27 to the period during which the certification is valid. On renewal
1-28 of the certification on the new expiration date, the process server
1-29 must pay the entire certification renewal fee.
1-30   (c) The Office of Court Administration of the Texas Judicial
1-31 System may collect the fees recommended by the process server
1-32 review board and approved by the supreme court. Fees collected
1-33 under this section shall be sent to the comptroller for deposit to
1-34 the credit of the process server certification account.
1-35   (d) The process server certification account is an account
1-36 in the general revenue fund. Money in the account may be
1-37 appropriated only to the supreme court or the office of court
1-38 administration for the support of regulatory programs of the
1-39 supreme court or the office of court administration.
1-40   SECTION 2. Subchapter B, Chapter 72, Government Code, is
1-41 amended by adding Sections 72.013 and 72.014 to read as follows:
1-42   Sec. 72.013. PROCESS SERVER REVIEW BOARD. A person
1-43 appointed to the process server review board established by supreme
1-44 court order serves without compensation but is entitled to
1-45 reimbursement for actual and necessary expenses incurred in
1-46 traveling and performing official board duties. Reimbursement may
1-47 be made from the process server certification account.
1-48   Sec. 72.014. CERTIFICATION DIVISION. The office shall
1-49 establish a certification division to oversee the regulatory
1-50 programs assigned to the office by law or by the supreme court.
1-51   SECTION 3. (a) The fees recommended and approved under
1-52 Section 51.008, Government Code, as added by this Act, apply to:
1-53   (1) each person who holds a process server
1-54 certification on the effective date of this Act; and
1-55   (2) each person who applies for process server
1-56 certification on or after the effective date of this Act.
1-57   (b) The Office of Court Administration of the Texas Judicial
1-58 System shall prorate the process server certification fee so that a
1-59 person who holds a process server certification on the effective
1-60 date of this Act pays only that portion of the fee that is allocable
1-61 to the period during which the certification is valid. On renewal
1-62 of the certification on the new expiration date, the entire
1-63 certification renewal fee is payable.

2-1   SECTION 4. This Act takes effect September 1, 2009.

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