

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**April 21, 2009**

**TO:** Honorable Todd Hunter, Chair, House Committee on Judiciary & Civil Jurisprudence

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB397** by Hartnett (Relating to the regulation of private process servers; providing penalties.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB397, As Introduced: a positive impact of \$14,000 through the biennium ending August 31, 2011.

This bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

| Fiscal Year | Probable Net Positive/(Negative)<br>Impact to General Revenue Related<br>Funds |
|-------------|--|
| 2010        | \$7,000  |
| 2011        | \$7,000  |
| 2012        | \$7,000  |
| 2013        | \$7,000  |
| 2014        | \$7,000  |

**All Funds, Five-Year Impact:**

| Fiscal Year | Probable Savings/(Cost)<br>from<br><i>General Revenue Fund</i><br>1 | Probable Revenue Gain/<br>(Loss) from<br><i>General Revenue Fund</i><br>1 | Change in Number of State<br>Employees from FY 2009 |
|-------------|---|---|---|
| 2010        | (\$286,941)   | \$293,941   | 2.5   |
| 2011        | (\$271,915)   | \$278,915   | 2.5   |
| 2012        | (\$271,849)   | \$278,849   | 2.5   |
| 2013        | (\$271,601)   | \$278,601   | 2.5   |
| 2014        | (\$271,439)   | \$278,439   | 2.5   |

**Fiscal Analysis**

The bill would require the Texas Department of Licensing and Regulation (TDLR) to license and regulate persons who serve civil process in Texas. The bill would establish qualifications for the license, criminal history record check requirements, practices of licensed process servers, and enforcement by TDLR. The bill would require TDLR to perform criminal history background checks on license applicants and to issue a photo identification card and a unique identification number to eligible licensees.

The bill would take effect September 1, 2009. The license requirement would take effect March 1, 2010.

## **Methodology**

The Texas Department of Licensing and Regulation (TDLR) estimates there would be 3,400 eligible licensees. Based on information provided by TDLR, it is assumed an additional 2.5 FTEs would be needed to administer the licenses and criminal history background checks, to process complaints and handle casework for investigations. The agency anticipates holding 70 enforcement cases per year, of which 15 will result in administrative hearings. Other costs included in the estimates are for the photo ID cards, the criminal history background checks from DPS and the FBI, increases in Data Center Services, and TexasOnline fees.

The Department of Public Safety (DPS) indicates the new population of licensee criminal history background checks would result in a revenue gain to the General Revenue fund of approximately \$7,000 each year. DPS anticipates any additional work resulting from the passage of the bill could be reasonably absorbed within current resources.

This analysis assumes that any increased costs to TDLR, which is statutorily required to generate sufficient revenue to cover its costs of operation, would be offset by an increase in fee generated revenue.

## **Technology**

According to TDLR estimates, there would be increased costs for TexasOnline services and Data Center Services.

## **Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 405 Department of Public Safety, 452 Department of Licensing and Regulation, 212 Office of Court Administration, Texas Judicial Council

**LBB Staff:** JOB, ES, TP, MN, MW