

## **BILL ANALYSIS**

H.B. 962  
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Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Currently, process servers are required to have returns of service signed before a notary public, which adds additional time and cost to litigants. Most states have changed their laws to allow for only the signature of the server signed under penalty of perjury, rather than require the service to be verified. The purpose of H.B. 962 is to streamline the return of service process by providing for rules regarding return of service and requiring a process server to sign the return of service under penalty of perjury rather than requiring verification.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Supreme Court of Texas in SECTION 1 of this bill.

### **ANALYSIS**

H.B. 962 amends the Civil Practice and Remedies Code to require the Supreme Court of Texas to adopt rules of civil procedure requiring a person who serves process to complete a return of service. The bill requires the rules to provide that the return of service is not required to be endorsed or attached to the original process issued and may be electronically filed. The bill authorizes the rules to require certain information to be included in the return of service and specifies that information. The bill requires a person certified by the supreme court as a process server or a person authorized outside of Texas to serve process to sign the return of service under penalty of perjury and specifies that the return of service is not required to be verified. The bill authorizes prosecution of a person under the Penal Code for tampering with a governmental record if the person knowingly or intentionally falsifies a return of service.

H.B. 962 removes a requirement that a failed substituted return of service relating to long-arm jurisdiction over a nonresident motor vehicle operator be endorsed on or attached to the original process issued. The bill requires such a return of service to be signed under penalty of perjury by the party making the service, rather than sworn to by the party making the service before a person authorized by law to make an affidavit under the person's hand and seal.

### **EFFECTIVE DATE**

January 1, 2012.