

By: Dutton

H.B. No. 1861

A BILL TO BE ENTITLED

AN ACT

relating to service of process on certain public officials.

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

SECTION 1. Chapter 30, Civil Practice and Remedies Code, is amended by adding Section 30.022 to read as follows:

Sec. 30.022. SERVICE OF PROCESS ON CERTAIN PUBLIC OFFICIALS. (a) Notwithstanding the Texas Rules of Civil Procedure, any process in a suit against a public official of this state or a local public official as defined by Section 171.001, Local Government Code, including citation and other notices, writs, orders, and other papers issued by a court, may be served as provided by this section.

(b) Except as provided by the process or an order of the court, process may be served by delivery of the process:

(1) in person to:

(A) the person to be served;

(B) a coresident, who is at least 16 years of age, of the person to be served at the person's place of residence;

(C) an agent authorized by appointment or by law to receive service of process on behalf of the person to be served;

or

(D) a person of suitable age, discretion, and authority at the principal office of the person to be served; or

(2) by registered or certified mail, return receipt

1 requested, to the place of residence of the person to be served.

2 (c) Except as provided by Subsection (d), the return of
3 service must be endorsed on or attached to the original process
4 issued and must:

5 (1) state the date, time, and manner of service;

6 (2) state the name of the person served;

7 (3) be signed by the party making the service; and

8 (4) if applicable, include the certified or registered
9 mail return receipt, signed by the person to be served.

10 (d) Process may be served in the manner provided by
11 Subsection (b)(1)(D) only if three attempts to serve the person
12 allowed to be served by Subsections (b)(1)(A)-(C), on three
13 separate calendar days, are unsuccessful. If service is made in
14 this manner, the person attempting service must state on the return
15 of service:

16 (1) the attempts made to serve process;

17 (2) the reasons service of process was unsuccessful;

18 and

19 (3) to the extent it can be determined, where the
20 person to be served can be located.

21 (e) Notwithstanding Section 22.004, Government Code, the
22 supreme court may not amend or adopt rules in conflict with this
23 section.

24 SECTION 2. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2013.