

By: Smithee

H.B. No. 2822

A BILL TO BE ENTITLED

AN ACT

relating to a notice or document sent by mail or electronic mail by a court, justice, judge, magistrate, or clerk of a judicial court.

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

SECTION 1. Subtitle F, Title 2, Government Code, is amended by adding Chapter 80 to read as follows:

CHAPTER 80. DELIVERY OF NOTICE AND DOCUMENTS

Sec. 80.001. DELIVERY OF NOTICE OR DOCUMENT. A court, justice, judge, magistrate, or clerk may send any notice or document by a method authorized by Section 80.002.

Sec. 80.002. AUTHORIZED DELIVERY OF NOTICE OR DOCUMENT. A court, justice, judge, magistrate, or clerk may send any notice or document using mail or electronic mail. This section applies to all civil and criminal statutes requiring delivery of a notice or document.

Sec. 80.003. ELECTRONIC MAIL ADDRESS. (a) If electronic mail is used to send a notice or document and the person who will receive the notice or document is registered with the electronic filing system established under Section 72.031, as added by Chapter 1290 (H.B. 2302), Acts of the 83rd Legislature, Regular Session, 2013, the court, justice, judge, magistrate, or clerk sending the notice or document must use the electronic mail address on file with the electronic filing system.

(b) If electronic mail is used to send a notice or document

1 and the person who will receive the notice or document is not
2 registered with the electronic filing system established under
3 Section 72.031, as added by Chapter 1290 (H.B. 2302), Acts of the
4 83rd Legislature, Regular Session, 2013, the court, justice, judge,
5 magistrate, or clerk must use the electronic mail address provided
6 by the person.

7 Sec. 80.004. MAIL. (a) The definition of mail in this
8 chapter includes:

- 9 (1) first-class mail;
- 10 (2) first-class United States mail;
- 11 (3) ordinary or regular mail; and
- 12 (4) international first-class mail.

13 (b) The definition of mail in this chapter does not include:

- 14 (1) any form of mail that requires proof of delivery;
- 15 (2) certified mail;
- 16 (3) certified mail or a comparable mailing method that
17 provides proof of delivery;
- 18 (4) certified mail, restricted delivery;
- 19 (5) certified mail, return receipt requested;
- 20 (6) delivery by the United States Postal Service using
21 a signature confirmation service;
- 22 (7) documents delivered by common or contract
23 carriers, including Federal Express or United Parcel Service;
- 24 (8) express mail offered by the United States Postal
25 Service;
- 26 (9) first-class mail, return receipt requested;
- 27 (10) freight mail;

- 1 (11) interagency mail;
- 2 (12) international registered mail, return receipt
- 3 requested;
- 4 (13) mail, return receipt requested;
- 5 (14) personal service or hand delivery;
- 6 (15) prepaid registered mail;
- 7 (16) registered mail;
- 8 (17) registered mail, return receipt requested; and
- 9 (18) certified or registered mail, restricted
- 10 delivery, return receipt requested.

11 Sec. 80.005. ELECTRONIC MAIL. (a) Authorized methods of

12 delivering a notice or document by electronic mail include:

- 13 (1) electronic notice sent through the electronic
- 14 filing system under Section 72.031, as added by Chapter 1290 (H.B.
- 15 2302), Acts of the 83rd Legislature, Regular Session, 2013;
- 16 (2) electronic notice;
- 17 (3) electronic mail messages;
- 18 (4) e-mail; and
- 19 (5) secure electronic mail.

20 (b) Authorized methods of delivering a notice or document by

21 electronic mail do not include:

- 22 (1) facsimiles;
- 23 (2) instant messaging;
- 24 (3) messages on a social network website, including
- 25 Facebook and Twitter;
- 26 (4) telegraphs;
- 27 (5) telephone messages;

- 1 (6) text messages;
- 2 (7) videoconferencing;
- 3 (8) voice messages; or
- 4 (9) webcams.

5 SECTION 2. This Act takes effect September 1, 2015.