

By: Dutton

H.B. No. 942

A BILL TO BE ENTITLED

AN ACT

relating to certain persons who are disqualified from serving as the personal representative of a decedent's estate.

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

SECTION 1. Section 304.003, Estates Code, is amended to read as follows:

Sec. 304.003. PERSONS DISQUALIFIED TO SERVE AS EXECUTOR OR ADMINISTRATOR. A person is not qualified to serve as an executor or administrator if the person is:

(1) incapacitated;

(2) a felon convicted under the laws of the United States or of any state of the United States unless, in accordance with law, the person has been pardoned or has had the person's civil rights restored;

(3) a nonresident of this state who:

(A) is a natural person or corporation; and

(B) has not:

(i) appointed a resident agent to accept service of process in all actions or proceedings with respect to the estate; or

(ii) had that appointment filed with the court;

(4) a corporation not authorized to act as a fiduciary in this state; ~~or~~

(5) the spouse of the decedent and, at the time of the decedent's death, was a party to:

(A) a suit for the dissolution of marriage under Chapter 6, Family Code;

(B) a suit affecting the parent-child relationship under Subtitle B, Title 5, Family Code, involving a child of the spouse and the decedent; or

(C) a suit involving the Department of Family and Protective Services under Subtitle E, Title 5, Family Code, involving a child of the spouse and the decedent; or

(6) a person whom the court finds unsuitable.

SECTION 2. The changes in law made by this Act to Section 304.003, Estates Code, apply only to an application for the grant of letters testamentary or of administration of a decedent's estate filed on or after the effective date of this Act. An application for the grant of letters testamentary or of administration of a decedent's estate filed before that date is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2023.