

BILL ANALYSIS

Senate Research Center

S.B. 1838
By: Ratliff
Finance
4-6-97
As Filed

DIGEST

Currently, the fees established for maintenance by the secretary of state of a record of service of process authorized to be made upon the secretary of state for forwarding such process to an individual or entity served are found in Article 10.01, Business Corporation Act and Article 9.01, Limited Liability Company Act. Article 10.01 authorizes a fee of \$40 for effecting service of process on certain entities. Article 9.01 establishes a fee of \$25 for service on a limited liability company. As there is no distinction between maintenance of a record of service of process and the forwarding of such process to a limited liability company as opposed to a corporate entity or partnership, the fee should be standardized. This bill standardizes certain fees and, for effecting service of process through the secretary of state, increases certain fees charged by the secretary of state.

PURPOSE

As proposed, S.B. 1838 standardizes certain fees and, for effecting service of process through the secretary of state, increases certain fees charged by the secretary of state.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 405.031(a) and (b), Government Code, to require the secretary of state to charge \$1 a page for a certified copy of a record, in addition to the fee for a certificate and charge for certain other actions. Deletes a fee of \$5 for certification. Authorizes the secretary of state to charge a fee of \$5, rather than \$2, for a search of records.

SECTION 2. Amends Article 10.01A, V.T.C.S., to delete a provision that the secretary of state is authorized and required to collect for the use of the state a fee for the filing of articles of consolidation. Deletes a provision relating to charging for maintaining a record of service of any process. Makes conforming changes.

SECTION 3. Amends Section A, Article 1528n-9.01, V.T.C.S., to make conforming changes.

SECTION 4. Amends Section 5.20(D), Article 6138A, V.T.C.S., to make a conforming change.

SECTION 5. Amends Section 17.091(e), Civil Practice and Remedies Code, to make a conforming change.

SECTION 6. Effective date: September 1, 1997.

SECTION 7. Emergency clause.