

BILL ANALYSIS

Senate Research Center

H.B. 1614
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Jurisprudence
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

One of the main duties of the process server review board is to consider applications for the certification and recertification of process servers in Texas. Despite the fact that the state incurs costs in considering these applications, applicants do not pay an application fee when applying for certification or recertification. The assessment of an application fee would be appropriate. The goal of H.B. 1614 is to remedy the situation by providing for fees for process server certification and renewal of certification.

H.B. 1614 amends current law relating to fees for process server certification.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 51, Government Code, by adding Section 51.008, as follows:

Sec. 51.008. FEES FOR PROCESS SERVER CERTIFICATION. (a) Authorizes the process server review board established by supreme court order to recommend to the supreme court the fees to be charged for process server certification and renewal of certification. Requires the supreme court to approve the fees recommended by the process server review board before the fees may be collected.

(b) Requires that the fee for the certification be prorated so that the process server pays only that portion of the fee that is allocable to the period during which the certification is valid if a certification is issued or renewed for a term that is less than the certification period provided by supreme court rule. Requires the process server to pay the entire certification renewal fee on renewal of the certification on the new expiration date.

(c) Authorizes the Office of Court Administration of the Texas Judicial System (OCA) to collect the fees recommended by the process server review board and approved by the supreme court. Requires that fees collected under this section be sent to the comptroller of public accounts for deposit to the credit of the general revenue fund and authorizes that the fees be appropriated only to OCA for purposes of this section.

SECTION 2. (a) Provides that the fees recommended and approved under Section 51.008, Government Code, as added by this Act, apply to each person who holds a process server certification on the effective date of this Act and each person who applies for process server certification on or after the effective date of this Act.

(b) Requires OCA to prorate the process server certification fee so that a person who holds a process server certification on the effective date of this Act pays only that portion of the fee that is allocable to the period during which the certification is valid. Provides

that, on renewal of the certification on the new expiration date, the entire certification renewal fee is payable.

SECTION 3. Effective date: September 1, 2011.