

BILL ANALYSIS

Senate Research Center
82R16526 CAE-F

H.B. 2047
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Jurisprudence
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, civil papers served to a corporation must be personally served to a president, vice-president, or registered agent of the corporation. Many corporations and other entities elect to appoint a separate corporation as their registered agent to receive civil process on behalf of the corporation. However, if that service of process is challenged, some courts have held that the corporation was not properly served, since current law provides that process must be personally delivered to a person and not to a company. This situation creates confusion, lost time, additional costs in civil litigation, and backlogs in the court. The primary purpose of H.B. 2047 is to allow for process to be served on a corporation by serving that corporation's registered agent.

H.B. 2047 amends current law relating to service of process at the registered office of certain registered agents.

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 Section 5.201, Business Organizations Code, by adding Subsection (d), as follows:

(d) Requires a registered agent that is an organization to have an employee available at the registered office during normal business hours to receive service of process, notice, or demand. Authorizes any employee of the organization to receive service at the registered office.

SECTION 2. Provides that Section 5.201(d), Business Organizations Code, as added by this Act, applies to all process served on or after the effective date of this Act, without regard to whether the process was issued before, on, or after that date.

SECTION 3. Effective date: September 1, 2011.