

CHAPTER 158

S.B. No. 373

AN ACT

relating to the service of process on a nonresident administrator, executor, guardian, heir, or personal representative of a nonresident.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 17.044, Civil Practice and Remedies Code, is amended by adding Subsections (c) and (d) to read as follows:

*(c) After the death of a nonresident for whom the secretary of state is an agent for service of process under this section, the secretary of state is an agent for service of process on a nonresident administrator, executor, or personal representative of the nonresident. If an administrator, executor, or personal representative for the estate of the deceased nonresident is not appointed, the secretary of state is an agent for service of process on an heir, as determined by the law of the foreign jurisdiction, of the deceased nonresident.*

*(d) If a nonresident for whom the secretary of state is an agent for service of process under this section is judged incompetent by a court of competent jurisdiction the secretary of state is an agent for service of process on a guardian or personal representative of the nonresident.*

SECTION 2. Section 17.045, Civil Practice and Remedies Code, is amended by adding Subsection (e) to read as follows:

*(e) If the secretary of state is served with duplicate copies of process as an agent for a person who is a nonresident administrator, executor, heir, guardian, or personal representative of a nonresident, the secretary shall require a statement of the person's name and address and shall immediately mail a copy of the process to the person.*

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on February 26, 1987, by the following vote: Yeas 27, Nays 0; and that the Senate concurred in House amendment on May 12, 1987, by the following vote: Yeas 30, Nays 0. Passed the House, with amendment, on May 8, 1987, by the following vote: Yeas 134, Nays 0, one present not voting.

Approved May 25, 1987.

Effective May 25, 1987.