

CHAPTER 961

S.B. No. 474

AN ACT

relating to notice required for disclosure, production, or examination of bank records.

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

SECTION 1. Section 2, Article 5, The Texas Banking Code of 1943, as amended (Article 342-705, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 2. Unless ordered otherwise by a court of competent jurisdiction, before disclosure, production, or examination may be required under Section 1 of this article, the agency, body, or party issuing or obtaining the order, subpoena, or request for the disclosure, examination, or production of records of deposits or accounts and other bank records shall (1) give notice of such order, subpoena, or request to the depositor or bank customer *in the manner provided by Rule 21a, Texas Rules of Civil Procedure* [~~by personally serving the depositor or customer with a copy thereof or by mailing a copy thereof to the depositor or customer by certified mail, return receipt requested~~], at least 10 days preceding the date when compliance with the order, subpoena, or request is required, and (2) certify to the bank (at the time the order, subpoena, or request is served or delivered to the bank) that the depositor or bank customer has been served with or has been mailed a copy of the order, subpoena, or request as required herein. A bank shall be entitled to recover reasonable costs of reproduction which it incurs in complying with orders, subpoenas, and requests for the disclosure, examination, or production of records of deposits or accounts and other bank records. The bank may notify its customer or depositor (unless ordered otherwise by a court of competent jurisdiction) of its receipt of any subpoena, order, or request for production.

SECTION 2. 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 March 26, 1987, by the following vote: Yeas 30, Nays 0. Passed the House on May 22, 1987, by a non-record vote.

Approved June 19, 1987.

Effective Aug. 31, 1987, 90 days after date of adjournment.