

CHAPTER 663

S.B. No. 530

AN ACT

relating to the preparation and delivery of certain court documents and to costs in civil suits.

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

SECTION 1. Subchapter B, Chapter 17, Civil Practice and Remedies Code, is amended by adding Section 17.027 to read as follows:

*Sec. 17.027. PREPARATION AND SERVICE. (a) The plaintiff or his attorney may prepare the appropriate citation for the defendant.*

*(b) The citation must be in the form prescribed by the Texas Rules of Civil Procedure.*

*(c) The citation shall be served in the manner prescribed by law.*

*(d) The plaintiff or his attorney shall comply with the applicable Texas Rules of Civil Procedure governing preparation and issuance of citation.*

*(e) The clerk may charge a fee for the issuance of a citation except that the affixing of a seal shall not constitute issuance. The clerk shall not charge for signing his name and affixing the seal to a citation prepared by a plaintiff or his attorney under this section.*

SECTION 2. Section 52.002, Property Code, is amended to read as follows:

Sec. 52.002. ISSUANCE OF ABSTRACT. (a) On application of a person in whose favor a judgment is rendered *in a small claims court or a justice court* or on application of that person's agent, attorney, or assignee, the *judge or* justice of the peace who rendered the judgment [~~or the clerk of the court that rendered the judgment~~] shall prepare and deliver to the applicant an abstract of the judgment.

*(b) A person in whose favor a judgment is rendered in a court other than a small claims court or a justice court or the person's agent, attorney, or assignee may prepare the abstract of judgment. The abstract of judgment must be verified by the person preparing the abstract. [The justice or clerk shall certify the abstract.]*

*(c) If the clerk prepares the abstract, the [The] applicant for the abstract must pay the fee allowed by law.*

SECTION 3. Chapter 31, Civil Practice and Remedies Code, is amended by adding Section 31.007 to read as follows:

*Sec. 31.007. PARTIES RESPONSIBLE FOR ACCOUNTING OF OWN COSTS. (a) Each party to a suit shall be responsible for accurately recording all costs and fees incurred during the course of a lawsuit, if the judgment is to provide for the adjudication of such costs. If the judgment provides that costs are to be borne by the party by whom such costs were incurred, it shall not be necessary for any of the parties to present a record of court costs to the court in connection with the entry of a judgment.*

*(b) A judge of any court may include in any order or judgment all costs, including the following:*

- (1) fees of the clerk and service fees due the county;*
- (2) fees of the court reporter for the original of stenographic transcripts necessarily obtained for use in the suit;*
- (3) masters, interpreters, and guardians ad litem appointed pursuant to these rules and state statutes; and*
- (4) such other costs and fees as may be permitted by these rules and state statutes.*

SECTION 4. This Act takes effect September 1, 1987, and applies only to actions filed on or after that date.

SECTION 5. 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.

Passed the Senate on April 28, 1987, by a viva-voce vote; May 25, 1987, Senate refused to concur in House amendment and requested appointment of Conference Committee; May 26, 1987, House granted request of the Senate; May 31, 1987, Senate adopted Conference Committee Report by a viva-voce vote. Passed the House, with amendment, on May 22, 1987, by a non-record vote; May 26, 1987, House granted request of the Senate for appointment of Conference Committee; June 1, 1987, House adopted Conference Committee Report by a non-record vote.

Approved June, 19, 1987.

Effective Sept. 1, 1987.