

Questions?  
 Contact the  
 Service of Process Team  
 at (512) 463-5560 or  
 ServiceOfProcess@sos.texas.gov



## Information on Service of Process on the Secretary of State

*This information is not a substitute for the advice and services of an attorney.*

Service is “the formal delivery of a writ, summons, or other legal process or notice.” Black’s Law Dictionary. A number of Texas statutes (listed below) designate the Secretary of State as a process agent, that is, authorize the Secretary of State to accept service on behalf of another.

In addition to the statutes designating the Secretary of State as process agent, the procedures for serving a person through the Secretary of State are governed by Rule 71.21 of the Secretary of State’s administrative rules, the Texas Rules of Civil Procedure, the local court rules, and any other applicable law.

Generally, service on the Secretary of State may be made by:

- A sheriff or constable
- A person over 18 years of age authorized by written order of the court
- A person certified under order of the Supreme Court
- The clerk of the court in which the case is pending (by certified mail, return receipt requested)
- The party or the representative of the party (by certified mail, return receipt requested)
- Any other person authorized by law

See Tex. R. Civ. Proc. Rule 103; Tex. Civ. Prac. & Rem. Code § 17.026.

### Addresses for Service on the Secretary of State

The law generally requires service by hand delivery or by certified mail, return receipt requested. See Tex. R. Civ. Proc. Rule 106; Tex. Civ. Prac. & Rem. Code § 17.026. The Secretary of State also accepts service by regular mail and facsimile. You should review the applicable laws to ensure your chosen delivery method accomplishes proper service.

#### Certified or Regular Mail:

Service of Process  
 Secretary of State  
 P.O. Box 12079  
 Austin, Texas 78711-2079

#### Delivery or Overnight Mail:

Service of Process  
 Secretary of State  
 James E. Rudder Building  
 1019 Brazos, Room 105  
 Austin, Texas 78701

### What to Submit to the Secretary of State

- The address of the person being served (typically the defendant in a civil case).
  - The Secretary of State cannot determine the appropriate address.
  - Only 1 address per duplicate set of documents and \$55.00 fee.
- Two copies of the documents being served (originals are not required).
  - Multiple documents to be served on the same person at the same address may be delivered to the Secretary of State together for one fee.
  - If delivered separately, multiple documents to be served on the same person at the same address will be charged separately.
- Payment of Fees. Tex. Govt. Code § 405.031(a)(1), (4).

Maintenance of a record of the service of process, notice or demand and for forwarding the process, notice, or demand	\$40 per person or party served
Certificate of service	\$15
<b>Total (payable to Secretary of State)</b>	<b>\$55</b>

## Certificates of Service

Upon request and payment of the \$15 certificate fee, the Secretary of State will issue a certificate showing:

- (1) that service was accomplished;
  - (2) that a copy of the process was forwarded to the named person at the specified address; and
  - (3) the disposition of the mailing shown on the postal return receipt.
- Certificates of service are typically issued upon completion of the Secretary of State's statutory mailing (i.e., upon receipt of return-receipt card or returned process).
  - If no response has been received after 60 days, a certificate will be issued reflecting that no response has been received.
  - Certificates are sent to the person requesting service; therefore, please provide this office with any change of address.

## Texas Statutes Designating Secretary of State as Process Agent

Agriculture Code § 76.042, §§ 76.108-76.109, 76.112  
Alcoholic Beverage Code § 37.05 and § 61.07  
Business and Commerce Code § 16.10 and § 302.108  
Business Organizations Code §§ 5.251, 9.004, 9.007, 9.011, 10.008(c) and 10.106(8)  
Civil Practice and Remedies Code § 17.044 *Long Arm Statute*  
Civil Practice and Remedies Code § 17.091  
Civil Practice and Remedies Code § 101.102 *Tort Claims Act*  
Code of Criminal Procedure art. 17A.04  
Health and Safety Code § 221.023 *Health Facilities Development Act*  
Insurance Code §§ 804.106-804.107  
Insurance Code § 541.255  
Local Government Code § 303.034 *Public Facility Corporation Act*  
Local Government Code § 501.354 *Development Corporation Act*  
Natural Resources Code § 40.255  
Occupations Code § 901.605 *Public Accountancy Act*  
Occupations Code § 1803.055  
Occupations Code § 2051.402(c)  
Occupations Code § 2301.265  
Probate Code § 105A (Estates Code § 505.004)  
Tax Code § 111.0043 and § 171.355  
Water Code § 7.196

## Questions?

If you need help determining what method of service is proper, the address to which the Secretary of State should deliver the documents being served, or answers to other legal questions, you should contact a private attorney.

Questions of the Secretary of State may be directed to the Service of Process Team by calling (512) 463-5560 or by emailing [ServiceOfProcess@sos.texas.gov](mailto:ServiceOfProcess@sos.texas.gov).

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