

8.0 Process Server Certification

8.1 Definitions

Certified process server means a person who is certified by the Commission to serve process statewide.

8.2 Initial Certification Requirement

(a) To be eligible for certification, a person must:

(1) Satisfy the requirements of Section 3.0 of these rules, including Rule 3.5 related to criminal history;

~~A person seeking statewide certification to serve process must file with the Commission an application, sworn or under penalty of perjury, in the form prescribed by the Commission.~~

~~(b) An application must comply with the requirements of Rule 3.1. The Commission or Director may consider the applicant's criminal history using the factors listed in Rule 3.5 in determining whether the application should be granted.~~

~~(c) (2) The application must include~~Provide a certificate from the director of a civil process service course, approved by the Commission for certification in every state court, stating that the applicant has completed the approved course within the prior year for initial certification. The applicant bears the burden of establishing that he or she has completed within the prior year a course approved by the Commission for certification in every state court;

(3) Successfully obtain a minimum score of 75 on a certification examination approved by the Commission that covers Texas law and procedure related to the service or process.

(i) This examination requirement applies to all applications for certification submitted on or after January 1, 2027. For applications submitted before that date, the provisions in Rule 8.3(b) will apply for renewal.

~~(b)~~ Applications will be reviewed and either approved or rejected for good cause stated. In appropriate circumstances, the Commission or Director may approve applications on a conditional or probationary basis.

(c) Examination

(1) An applicant will be allotted two (2) hours to complete the certification examination, subject to reasonable accommodation under Rule 3.9.

- (2) An applicant who has failed the exam three times is not eligible for certification unless the applicant petitions the Commission in writing for permission to take the exam again. The petition must set out in detail all facts that support the request, demonstrate that the applicant has completed all other requirements for certification except for passing the exam, and demonstrate that no other impediments to certification exist.
- (3) The Commission must consider the petition at its next regularly scheduled meeting and determine, without a formal hearing, whether permission to take the exam again will be granted or denied. The Commission may impose conditions to grant permission, including requiring the applicant to provide additional information or complete specified continuing education prior to taking the exam again. If the applicant fails or refuses to strictly and completely comply with the conditions specified by the Commission, permission to take the exam again will be denied.
- (4) An applicant may petition the Commission only once for permission to take the exam after three unsuccessful attempts. An applicant who is granted permission to take the exam again and who fails the exam on the fourth attempt is not eligible for certification. If the Commission denies permission to take the exam again, the individual is not eligible for certification.
- (5) The decision of the Commission is final and is not subject to appeal, reconsideration, or any further action.

8.3 **Renewal of Certification**

- (a) To renew a certification, a certified process server must timely submit to the Commission a renewal application, including a current criminal history statement and all applicable fees, and complete the continuing education requirements in Rules 4.1-4.3 and 8.5.
- (b) A process server who was certified prior to the date that the certification examination requirement described in Rule 8.2(a)(3) was effective must pass that certification examination prior to the next renewal of their certification. A process server who fails to pass the certification examination will be suspended. The provisions of Rule 3.2(f) apply to any license suspended for failure to pass the certification examination.

8.4 **Enforcement**

After notice and hearing under Rule 5.10, the Commission may deny, revoke, suspend, or refuse to renew any certification issued under Rule 8.2; issue a reprimand to a certified process server; or impose an administrative penalty on a certified process server for violation of the laws, rules, or the Code of Ethics relating to certified process servers that are enforced by the Commission.

8.5 Continuing Education

- (a) To renew certification, a certified process server must establish that all required continuing education has been completed. Rules 4.1-4.3 supplement this rule and establish additional requirements for continuing education.
- (b) A certified process server must complete at least eight hours of approved continuing education, including two hours of education on ethics, during the certified process server's two-year certification period. A certified process server may carry forward to the next certification period up to four hours of continuing education hours, excluding hours of continuing education on ethics.
- (c) A continuing education activity for a certified process server must be an organized program of learning dealing with matters that are directly related to service of process. A continuing education activity should increase participants' understanding of the Texas judicial system, the responsibilities of a certified process server, and the certified process server's impact on the judicial process and the public.

8.6 Misrepresentation or Misleading Conduct Regarding Authority

- (a) A certified process server must not represent or create the impression, in writing, orally, or otherwise, that the process server is licensed, certified, or registered by the Supreme Court of Texas to execute service of process or to engage in conduct relating to the service of process.
- (b) Process servers are certified and regulated by the Commission. A certified process server must not direct a person to contact the Supreme Court of Texas or the Clerk of the Supreme Court of Texas to file a complaint, to confirm certification of the process server, or for any other purpose relating to the execution of the service of process. A certified process server must not imply or create the impression that a person may contact the Supreme Court of Texas or the Clerk of the Supreme Court of Texas regarding any matter relating to the service of process or the process server, except with regard to a matter before the Supreme Court of Texas in its adjudicative capacity.
- (c) A certified process server may truthfully represent that the process server is certified by the Commission.

8.7 Service During Governmental Operations or Procedures Prohibited

A certified process server must not serve citation or other civil process in person on a member, officer, or employee of the senate or the house of representatives during any legislative proceeding. In accordance with Section 30.0035 of the Civil Practice and Remedies Code, the certification of a process server who violates this subsection must be revoked.