

# IN THE SUPREME COURT OF TEXAS

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Misc. Docket No. 05-9121

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## FINAL APPROVAL OF AMENDMENTS TO RULES 103 AND 536(a) OF THE TEXAS RULES OF CIVIL PROCEDURE

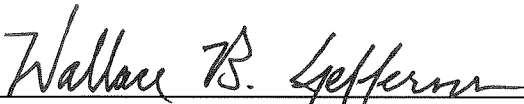
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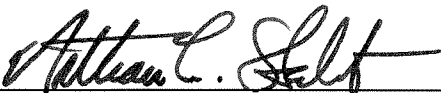
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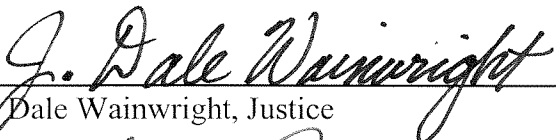
**ORDERED** that:

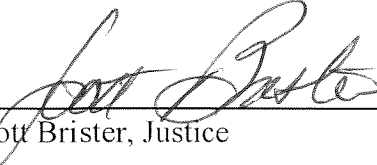
1. Rules 103 and 536(a) of the Texas Rules of Civil Procedure are amended as follows.
2. The effective date of the amendments is July 1, 2005, in all pending cases.
3. Comments appended to these rules are intended to inform their construction and application.
4. The Clerk is directed to:
  - a. file a copy of this Order with the Secretary of State;
  - b. cause a copy of this Order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;
  - c. send a copy of this Order to each member of the Legislature; and
  - d. submit a copy of the Order for publication in the *Texas Register*.

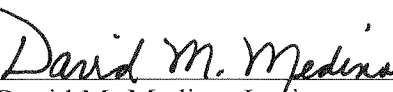
SIGNED AND ENTERED this 29th day of June, 2005.

  
Wallace B. Jefferson, Chief Justice


  
Nathan L. Hecht, Justice

  
J. Dale Wainwright, Justice

  
Scott Brister, Justice

  
David M. Medina, Justice

  
Paul W. Green, Justice

  
Phil Johnson, Justice

**AMENDMENTS TO RULES 103 AND 536(a)  
OF THE TEXAS RULES OF CIVIL PROCEDURE**

**Rule 103. Who May Serve**

Process — including citation and other notices, writs, orders, and other papers issued by the court— may be served anywhere by (1) any sheriff or constable or other person authorized by law, (2) any person authorized by law or by written order of the court who is not less than eighteen years of age, or (3) any person certified under order of the Supreme Court. Service by registered or certified mail and citation by publication must, if requested, be made by the clerk of the court in which the case is pending. But no person who is a party to or interested in the outcome of a suit may serve any process in that suit, and, unless otherwise authorized by a written court order, only a sheriff or constable may serve a citation in an action of forcible entry and detainer, a writ that requires the actual taking of possession of a person, property or thing, or process requiring that an enforcement action be physically enforced by the person delivering the process. The order authorizing a person to serve process may be made without written motion and no fee may be imposed for issuance of such order.

**Comment – 2005**

The rule is amended to include among the persons authorized to effect service those who meet certification requirements promulgated by the Supreme Court and to prohibit private individuals from serving certain types of process unless, in rare circumstances, a court authorizes an individual to do so.

**Rule 536. Who May Serve and Method of Service**

(a) Process — including citation and other notices, writs, orders, and other papers issued by the court — may be served anywhere by (1) any sheriff or constable or other person authorized by law, (2) any person authorized by law or by written order of the court who is not less than eighteen years of age, or (3) any person certified under order of the Supreme Court. Service by registered or certified mail and citation by publication must, if requested, be made by the clerk of the court in which the case is pending. But no person who is a party to or interested in the outcome of a suit may serve any process, and, unless otherwise authorized by a written court order, only a sheriff or constable may serve a citation in an action of forcible entry and detainer, a writ that requires the actual taking of possession of a person, property or thing, or process requiring that an enforcement

action be physically enforced by the person delivering the process. The order authorizing a person to serve process may be made without written motion and no fee may be imposed for issuance of such order.

(b) [No change.]

(c) [No Change.]

**Comment – 2005**

Subsection (a) is amended to include among the persons authorized to effect service those who meet certification requirements promulgated by the Supreme Court and to prohibit private individuals from serving certain types of process unless, in rare circumstances, a court authorizes an individual to do so.