



Texas Department of Transportation

DEWITT C. GREER STATE HIGHWAY BLDG. • 125 E. 11TH STREET • AUSTIN, TEXAS 78701-2483 • (512) 463-8585

February 9, 2009

Dear Sir or Madam:

The department is revising its procedures associated with citations served on the Chair of the Texas Transportation Commission in conjunction with Texas Civil Practice and Remedies Code, Chapter 17, Subchapter D., "Long-Arm Jurisdiction Over Nonresident Motor Vehicle Operator." Effective immediately, the following procedures will apply to all citations served on the department:

1. If the citation is improperly served (i.e. the defendant is not located out of state, the citation was not served on the Chair of the Texas Transportation Commission, the vehicle accident did not occur on a public road, or the service of the citation does not satisfy the requirements contained in Texas Rules of Civil Procedure, Rules 103 and 106), the citation will be returned to the sender and the file will be closed.
2. If the citation is properly served, the Chair of the Texas Transportation Commission will forward the service of process via certified or registered mail to the defendant. A copy of the letter accompanying the forwarded service of process with the certified or registered mail information will be sent to the entity serving the citation on the Chair and the file will be closed (information concerning the delivery status of the forwarded service of process may be obtained using the United States Postal Service's website at www.usps.com; select the "Track and Confirm" option).
3. If the initial service of process citation was accompanied with the \$25 certification fee, a "Chairman's Certificate" certifying the forwarded service of process will be issued to the entity serving the citation on the Chair in accordance with Texas Civil Practice and Remedies Code §17.069. The "Chairman's Certificate" will be forwarded to the requestor together with the copy of the forwarded service of process letter mentioned in item 2. above.

Entities who properly served citations accompanied by the \$25 fee that were received by the department prior to the date of this notice will immediately be issued a "Chairman's Certificate" under these new procedures. In accordance with Texas Civil Practice and Remedies Code §17.069, any party may subsequently submit payment of a \$25 fee for a "Chairman's Certificate" certifying the occurrence or performance of any duty, act, omission, transaction, or happening contemplated or required by Texas Civil Practice and Remedies Code, Chapter 17, Subchapter D.

Please contact the Office of General Counsel at (512) 463-8630 should you have any questions or require additional information concerning these new procedures.

Sincerely,

Stephanie Wolf, Citations Clerk
Office of General Counsel