

Bill Summary
1st Session of the 60th Legislature

Bill No.:	SB 138
Version:	INT
Request No.	473
Author:	Sen. Weaver
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Bill Analysis

SB 138 authorizes the use of electronic means to deliver a summons for a civil trial. The measure specifies that electronic means may be used if a copy of the summons and petition cannot be personally delivered after 3 attempts to the named defendant. If the summons is delivered by electronic means, a copy shall also be sent to the defendant by certified mail. The electronic summons shall include a hyperlink to a secure application that tracks and provides evidence of whether the electronic mail notification was bounced back, returned, received, or opened, and whether a copy of the summons was viewed or downloaded by the named defendant.

Service by electronic mail shall not be the basis for the entry of a default or a judgment by default unless the record contains evidence showing acceptance by the defendant or a returned electronic mail showing refusal of the process by the defendant. A summons is deemed complete upon receipt of the electronic transmission and the mail. Receipt of the electronic transmission shall occur when the defendant or a resident who is 15 years of age or older accepts the summons. In the case of refusal of summons, a person elected by the plaintiff shall electronically submit notice that despite such refusal the case will proceed and that judgment by default will be rendered against him or her unless he or she appears to defend the action.

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