

By: Chisum

H.B. No. 2532

A BILL TO BE ENTITLED

AN ACT

relating to private nuisance actions.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 6, Civil Practice and Remedies Code, is amended by adding Chapter 125A to read as follows:

CHAPTER 125A. PRIVATE NUISANCE

Sec. 125A.001. PREEXISTING CONDITIONS OR CIRCUMSTANCES. A claimant may not bring an action for private nuisance based on interference with the use and enjoyment of real property acquired by the claimant after the defendant became lawfully engaged in the activities causing the conditions and circumstances claimed to cause the interference complained of if:

(1) those activities continue to be lawful; and

(2) those conditions and circumstances have existed substantially unchanged since the claimant acquired the property.

SECTION 2. The change in law made by this Act applies only to a cause of action that accrues on or after the effective date of this Act. A cause of action that accrues before the effective date of this Act is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2005.