

By: Gooden

H.B. No. 2067

Substitute the following for H.B. No. 2067:

By: Hernandez Luna

C.S.H.B. No. 2067

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the liability of a person granting access to a gated
3 community to a process server.

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

5 SECTION 1. Subchapter B, Chapter 17, Civil Practice and
6 Remedies Code, is amended by adding Section 17.032 to read as
7 follows:

8 Sec. 17.032. SERVICE AT GATED COMMUNITY. (a) In this
9 section:

10 (1) "Civil process" means all process issued or
11 sanctioned by a civil court.

12 (2) "Gated community" means a residential subdivision
13 or housing development that contains two or more dwellings not
14 under common ownership and that has a vehicular or pedestrian gate.

15 (3) "Process server" means a person certified by the
16 supreme court who serves civil process.

17 (b) It is an affirmative defense to a civil action for
18 damages arising as a result of a property owner, manager, or
19 security guard granting a person access to a gated community that
20 the property owner, manager, or security guard granted the access
21 in the exercise of reasonable care to a process server, constable,
22 or sheriff for delivery of process.

23 SECTION 2. Section 17.032, Civil Practice and Remedies
24 Code, as added by this Act, applies to all process served on or

1 after the effective date of this Act, without regard to whether the
2 process was issued before, on, or after that date.

3 SECTION 3. This Act takes effect September 1, 2013.