

By: Leach

H.B. No. 3849

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. Subchapter B, Chapter 17, Civil Practice and Remedies Code, is amended by adding Section 17.033 to read as follows:

Sec. 17.033. SERVICE AT GATED COMMUNITY. (a) In this section:

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

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

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

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

SECTION 2. Section 17.033, Civil Practice and Remedies Code, as added by this Act, applies to all process served on or

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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, 2015.