

By: Krause

H.B. No. 4153

A BILL TO BE ENTITLED

AN ACT

relating to certain suits concerning real property.

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

SECTION 1. Section 16.003, Civil Practice and Remedies Code, is amended by adding Subsection (c) to read as follows:

(c) The limitations period prescribed by Subsection (a) for a suit for trespass for injury to the estate applies only to a suit for damages arising from the trespass.

SECTION 2. Section 37.004, Civil Practice and Remedies Code, is amended by adding Subsections (d) and (e) to read as follows:

(d) An action under this chapter to obtain a determination of the proper boundary line of real property owned by the person bringing the action is not subject to a limitations period.

(e) A person may bring an action for trespass to real property and an action to obtain a determination under this chapter of the proper boundary line of the property in the same proceeding and may recover costs and attorney's fees under Section 37.009 for both causes of action.

SECTION 3. Section 16.003(c), Civil Practice and Remedies Code, as added by this Act, is intended to clarify rather than change existing law.

SECTION 4. (a) Subject to Subsection (b) of this section, a person may bring a suit for injunctive relief to remedy a trespass

1 to real property or for declaratory relief concerning the  
2 boundaries of real property on or after the effective date of this  
3 Act, regardless of any determination before the effective date of  
4 this Act that such a suit was barred by the limitations period  
5 prescribed by Section 16.003, Civil Practice and Remedies Code, for  
6 a suit for trespass for injury to the estate.

7 (b) A suit may not be brought on or after the effective date  
8 of this Act for injunctive relief to remedy a trespass to real  
9 property if the suit is barred by a limitations period other than  
10 the limitations period prescribed by Section 16.003, Civil Practice  
11 and Remedies Code, for a suit for trespass for injury to the estate.

12 SECTION 5. Section 37.004(e), Civil Practice and Remedies  
13 Code, as added by this Act, applies only to an action commenced on  
14 or after the effective date of this Act.

15 SECTION 6. This Act takes effect immediately if it receives  
16 a vote of two-thirds of all the members elected to each house, as  
17 provided by Section 39, Article III, Texas Constitution. If this  
18 Act does not receive the vote necessary for immediate effect, this  
19 Act takes effect September 1, 2017.