

By: Ashby, White, Bailes, Anderson, Toth,
et al.

H.B. No. 2004

Substitute the following for H.B. No. 2004:

By: Toth

C.S.H.B. No. 2004

A BILL TO BE ENTITLED

AN ACT

relating to a limitation on liability and sanctions in connection
with certain prescribed burns.

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

SECTION 1. Subchapter C, Chapter 153, Natural Resources
Code, is amended by adding Section 153.084 to read as follows:

Sec. 153.084. LIMITATION OF BURN BOSS LIABILITY. (a) In
this section, "burn boss" has the meaning assigned by Section
153.083.

(b) Except as provided by Subsection (c), if a burn boss is a
certified and insured prescribed burn manager under Section
153.048, the burn boss is not liable for property damage, personal
injury, or death caused by or resulting from smoke that occurs more
than 300 feet from the burn.

(c) This section does not apply to a burn boss who commits
gross negligence or intentionally causes property damage, personal
injury, or death.

SECTION 2. Subchapter D, Chapter 153, Natural Resources
Code, is amended by adding Section 153.1025 to read as follows:

Sec. 153.1025. CERTAIN DISCIPLINARY ACTION PROHIBITED.
Notwithstanding Section 153.102 or any other law, the department or
another state agency may not take disciplinary action against a
certified and insured prescribed burn manager in relation to a
prescribed burn conducted in accordance with this chapter on the

1 basis that the burn resulted in emissions or is a nuisance.

2 SECTION 3. Section 153.084, Natural Resources Code, as
3 added by this Act, applies only to a cause of action that accrues on
4 or after the effective date of this Act.

5 SECTION 4. This Act takes effect September 1, 2021.