

By: Leman, Cain, Paul, Vasut, Schofield,
et al.

H.B. No. 4346

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the possession, carrying, or transportation of a
3 firearm or alcoholic beverage by certain persons during the use of
4 an easement.

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

6 SECTION 1. Subchapter A, Chapter 5, Property Code, is
7 amended by adding Section 5.020 to read as follows:

8 Sec. 5.020. EASEMENTS RESTRICTING POSSESSION OF FIREARMS OR
9 ALCOHOLIC BEVERAGES PROHIBITED. (a) In this section:

10 (1) "Alcoholic beverage" has the meaning assigned by
11 Section 1.04, Alcoholic Beverage Code.

12 (2) "Firearm" has the meaning assigned by Section
13 46.01, Penal Code. The term includes any firearm parts, firearm
14 accessories, and firearm ammunition.

15 (b) An instrument granting an access easement may not
16 restrict or prohibit an easement holder or an easement holder's
17 guest from possessing, carrying, or transporting a firearm or an
18 alcoholic beverage over the servient estate while using the
19 easement for the easement's purpose.

20 (c) The owner of a servient estate may not enforce a
21 restrictive covenant in an instrument granting an access easement
22 over the servient estate that restricts or prohibits the easement
23 holder or the easement holder's guest from possessing, carrying, or
24 transporting a firearm or an alcoholic beverage over the servient

1 estate while using the easement for the easement's purpose.

2 SECTION 2. Section 5.020, Property Code, as added by this
3 Act, applies to an easement granted before, on, or after the
4 effective date of this Act.

5 SECTION 3. This Act takes effect September 1, 2021.