

By: Leman

H.B. No. 4346

A BILL TO BE ENTITLED

AN ACT

relating to the possession, carrying, or transportation of a firearm by certain persons during the use of an easement.

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

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

Sec. 5.020. EASEMENTS RESTRICTING POSSESSION OF FIREARMS PROHIBITED. (a) In this section, "firearm" includes firearms as defined in Section 46.01, Penal Code, and any firearm parts, firearm accessories, and firearm ammunition.

(b) An instrument granting an access easement or appurtenant easement may not restrict or prohibit an easement holder or an easement holder's guest from possessing, carrying, or transporting a firearm while using the easement for the easement's purpose.

(c) The owner of a servient estate may not enforce a restrictive covenant in an instrument granting an easement on the servient estate that restricts or prohibits the easement holder or the easement holder's guest from possessing, carrying, or transporting a firearm while using the easement for the easement's purpose.

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

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