

1-1 By: Leman, et al. (Senate Sponsor - Springer) H.B. No. 4346  
 1-2 (In the Senate - Received from the House May 6, 2021;  
 1-3 May 10, 2021, read first time and referred to Committee on State  
 1-4 Affairs; May 19, 2021, reported favorably by the following vote:  
 1-5 Yeas 8, Nays 1; May 19, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14		X		
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to the possession, carrying, or transportation of a  
 1-20 firearm or alcoholic beverage by certain persons during the use of  
 1-21 an easement.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Subchapter A, Chapter 5, Property Code, is  
 1-24 amended by adding Section 5.020 to read as follows:

1-25 Sec. 5.020. EASEMENTS RESTRICTING POSSESSION OF FIREARMS OR  
 1-26 ALCOHOLIC BEVERAGES PROHIBITED. (a) In this section:

1-27 (1) "Alcoholic beverage" has the meaning assigned by  
 1-28 Section 1.04, Alcoholic Beverage Code.

1-29 (2) "Firearm" has the meaning assigned by Section  
 1-30 46.01, Penal Code. The term includes any firearm parts, firearm  
 1-31 accessories, and firearm ammunition.

1-32 (b) An instrument granting an access easement may not  
 1-33 restrict or prohibit an easement holder or an easement holder's  
 1-34 guest from possessing, carrying, or transporting a firearm or an  
 1-35 alcoholic beverage over the servient estate while using the  
 1-36 easement for the easement's purpose.

1-37 (c) The owner of a servient estate may not enforce a  
 1-38 restrictive covenant in an instrument granting an access easement  
 1-39 over the servient estate that restricts or prohibits the easement  
 1-40 holder or the easement holder's guest from possessing, carrying, or  
 1-41 transporting a firearm or an alcoholic beverage over the servient  
 1-42 estate while using the easement for the easement's purpose.

1-43 SECTION 2. Section 5.020, Property Code, as added by this  
 1-44 Act, applies to an easement granted before, on, or after the  
 1-45 effective date of this Act.

1-46 SECTION 3. This Act takes effect September 1, 2021.

1-47 \* \* \* \* \*