

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1153
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State Affairs
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, a landowner is liable for an accident that occurs as a result of an act or omission of a peace officer on the landowner's property, with or without the landowner's consent. Due to recent outbreaks of wildfires, many fire departments and peace officers, in order to put out the fires, had to cut fences, in most cases without the landowner's consent, to get to the affected areas and control the wildfires.

Due to these actions, livestock were able to roam freely along major highways without the landowner's knowledge. In the event that the livestock were to cause an accident, the landowner is liable for damages, even though the landowner was unaware that the fence had been cut and that the landowner's cattle had been roaming free.

C.S.S.B. 1153 amends current law relating to the liability of a landowner for an act or omission of a firefighter or peace officer on the property of the landowner.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 75, Civil Practice and Remedies Code, by adding Section 75.006, as follows:

Sec. 75.006. LIABILITY LIMITED FOR ACTIONS OF FIREFIGHTER OR PEACE OFFICER. (a) Defines "firefighter," "livestock," and "peace officer."

(b) Provides that a landowner is not liable for damages arising from an incident or accident caused by livestock of the landowner due to an act or omission of a firefighter or a peace officer who has entered the land owner's property with or without the permission of the landowner, regardless of whether the damage occurs on the landowner's property.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2009.