

By: Callegari

H.B. No. 751

A BILL TO BE ENTITLED

AN ACT

relating to the liability of a public utility that allows recreational use of land that the public utility owns, occupies, or leases.

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

SECTION 1. Chapter 75, Civil Practice and Remedies Code, is amended by adding Section 75.0021 to read as follows:

Sec. 75.0021. IMMUNITY FROM LIABILITY OF A PUBLIC UTILITY.

(a) In this section:

(1) "Person" includes an individual as defined by Section 71.001.

(2) "Public utility" means:

(A) an electric utility as defined by Section 31.002, Utilities Code;

(B) a telecommunications provider as defined by Section 51.002, Utilities Code;

(C) a cable service provider or video service provider as defined by Section 66.002, Utilities Code;

(D) a gas utility as defined by Section 101.003 or 121.001, Utilities Code; or

(E) a water and sewer utility as defined by Section 13.002, Water Code.

(b) A public utility that, as the owner, occupant, or lessee of land, gives permission to a person to enter the premises for

1 recreation does not, by giving that permission:

2 (1) ensure that the premises are safe for recreation;  
3 or

4 (2) assume responsibility or incur liability for any  
5 bodily or other personal injury to, death of, or damage to the  
6 property of, a person who enters the premises for recreation or  
7 accompanies another person entering the premises for recreation,  
8 including injury, death, or other damage arising from:

9 (A) an act of a third party that occurs on the  
10 premises, regardless of whether the act is intentional; or

11 (B) contact of a person or property with power  
12 lines or exposure of a person or property to electromagnetic  
13 fields.

14 (c) A public utility that, as the owner, occupant, or  
15 lessee of land, allows the use of the premises for recreation shall  
16 post and maintain a clearly readable sign in a clearly visible  
17 location on or near the premises. The sign must contain the  
18 following warning language:

19 UNDER TEXAS LAW (CHAPTER 75, CIVIL PRACTICE AND REMEDIES  
20 CODE) A PUBLIC UTILITY IS IMMUNE FROM LIABILITY FOR DAMAGES ARISING  
21 FROM THE USE OF THIS PROPERTY FOR RECREATIONAL PURPOSES.

22 SECTION 2. This Act applies only to a cause of action that  
23 accrues on or after the effective date of this Act. A cause of  
24 action that accrues before the effective date of this Act is  
25 governed by the law in effect immediately before that date, and that  
26 law is continued in effect for that purpose.

27 SECTION 3. This Act takes effect immediately if it receives

H.B. No. 751

1 a vote of two-thirds of all the members elected to each house, as  
2 provided by Section 39, Article III, Texas Constitution. If this  
3 Act does not receive the vote necessary for immediate effect, this  
4 Act takes effect September 1, 2009.