

AN ACT

relating to the liability of an electric utility that allows recreational use of land that the 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. LIMITED LIABILITY OF CERTAIN PUBLIC UTILITIES. (a) In this section:

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

(2) "Public utility" means an electric utility as defined by Section 31.002, Utilities Code.

(b) A public utility that, as the owner, easement holder, occupant, or lessee of land, signs an agreement with a municipality, county, or political subdivision to allow public access to or use of the premises for recreation by allowing the public access or use does not assume responsibility or incur liability beyond that provided by Chapter 75 of the Civil Practice and Remedies Code to a third party who enters the premises for recreation to the extent the municipality, county, or political subdivision purchases a general liability insurance policy in amounts required by Chapter 75 of the Civil Practice and Remedies Code insuring the public utility for liability arising from the

1 condition of the premises for such recreational use.

2 (c) This section applies only to a public utility located
3 in:

4 (1) a county with a population of 600,000 or more and
5 located on the international border; or

6 (2) a municipal management district located in a
7 municipality with a population of more than 1.9 million.

8 SECTION 2. This Act applies only to a cause of action that
9 accrues on or after the effective date of this Act. A cause of
10 action that accrues before the effective date of this Act is
11 governed by the law in effect immediately before that date, and that
12 law is continued in effect for that purpose.

13 SECTION 3. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2009.

President of the Senate

Speaker of the House

I certify that H.B. No. 783 was passed by the House on April 22, 2009, by the following vote: Yeas 148, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 783 on May 25, 2009, by the following vote: Yeas 139, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 783 was passed by the Senate, with amendments, on May 22, 2009, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor