

By: Pickett

H.B. No. 783

Substitute the following for H.B. No. 783:

By: Solomons

C.S.H.B. No. 783

A BILL TO BE ENTITLED

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. IMMUNITY FROM 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, occupant, or lessee of land, signs an agreement with a municipality, county, or other political subdivision of the state to allow public access to or use of the premises for recreation does not, by allowing the public access or use:

(1) assure that the premises are safe for recreation;
or

(2) assume responsibility or incur liability for any damage to or loss of property, or for any bodily or other personal injury to, or death of, a person who enters the premises for recreation or accompanies another person entering the premises for

1 recreation, including injury, death, or other damage arising from:

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

4 (B) contact of a person or property with power
5 lines or exposure of a person or property to electromagnetic
6 fields;

7 (C) a premises defect in or other condition
8 relating to the premises; or

9 (D) any negligence or gross negligence of the
10 public utility.

11 (c) This section applies only to a public utility located in
12 a county with a population of 600,000 or more and located on the
13 international border.

14 SECTION 2. This Act applies only to a cause of action that
15 accrues on or after the effective date of this Act. A cause of
16 action that accrues before the effective date of this Act is
17 governed by the law in effect immediately before that date, and that
18 law is continued in effect for that purpose.

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