

1-1 By: Pickett (Senate Sponsor - Shapleigh) H.B. No. 783  
1-2 (In the Senate - Received from the House April 23, 2009;  
1-3 May 1, 2009, read first time and referred to Committee on State  
1-4 Affairs; May 14, 2009, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;  
1-6 May 14, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 783 By: Deuell

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the liability of an electric utility that allows  
1-11 recreational use of land that the utility owns, occupies, or  
1-12 leases.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Chapter 75, Civil Practice and Remedies Code, is  
1-15 amended by adding Section 75.0021 to read as follows:

1-16 Sec. 75.0021. LIMITED LIABILITY OF CERTAIN PUBLIC  
1-17 UTILITIES. (a) In this section:

1-18 (1) "Person" includes an individual as defined by  
1-19 Section 71.001.

1-20 (2) "Public utility" means an electric utility as  
1-21 defined by Section 31.002, Utilities Code.

1-22 (b) A public utility that, as the owner, easement holder,  
1-23 occupant, or lessee of land, signs an agreement with a  
1-24 municipality, county, or political subdivision to allow public  
1-25 access to or use of the premises for recreation by allowing the  
1-26 public access or use does not assume responsibility or incur  
1-27 liability beyond that provided by Chapter 75 of the Civil Practice &  
1-28 Remedies Code to a third party who enters the premises for  
1-29 recreation to the extent the municipality, county, or political  
1-30 subdivision purchases a general liability insurance policy in  
1-31 amounts required by Chapter 75 of the Civil Practice & Remedies Code  
1-32 insuring the public utility for liability arising from the  
1-33 condition of the premises for such recreational use.

1-34 (c) This section applies only to a public utility located in  
1-35 a county with a population of 600,000 or more and located on the  
1-36 international border.

1-37 SECTION 2. This Act applies only to a cause of action that  
1-38 accrues on or after the effective date of this Act. A cause of  
1-39 action that accrues before the effective date of this Act is  
1-40 governed by the law in effect immediately before that date, and that  
1-41 law is continued in effect for that purpose.

1-42 SECTION 3. This Act takes effect immediately if it receives  
1-43 a vote of two-thirds of all the members elected to each house, as  
1-44 provided by Section 39, Article III, Texas Constitution. If this  
1-45 Act does not receive the vote necessary for immediate effect, this  
1-46 Act takes effect September 1, 2009.

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