

By: Bolton

H.B. No. 2125

A BILL TO BE ENTITLED

AN ACT

relating to the liability of a landowner that allows recreational use of the landowner's land.

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

SECTION 1. Section 75.002, Civil Practice and Remedies Code, is amended by amending Subsection (d) and adding Subsection (d-1) to read as follows:

(d) Subsections (a) and [~~7~~] (b) [~~7~~ and (c)] shall not limit the liability of an owner, lessee, or occupant of real property who has been grossly negligent or has acted with malicious intent or in bad faith.

(d-1) Subsection (c) does not limit the liability of an owner, lessee, or occupant of real property who has acted with malicious intent or in bad faith.

SECTION 2. Chapter 75, Civil Practice and Remedies Code, is amended by adding Section 75.005 to read as follows:

Sec. 75.005. ATTORNEY'S FEES. In an action brought under this chapter, the court may award a prevailing party reasonable attorney's fees and costs.

SECTION 3. Section 75.003(b), Civil Practice and Remedies Code, is repealed.

SECTION 4. This Act applies only to a cause of action that accrues on or after the effective date of this Act. A cause of action that accrues before the effective date of this Act is

1 governed by the law in effect immediately before that date, and that  
2 law is continued in effect for that purpose.

3 SECTION 5. This Act takes effect immediately if it receives  
4 a vote of two-thirds of all the members elected to each house, as  
5 provided by Section 39, Article III, Texas Constitution. If this  
6 Act does not receive the vote necessary for immediate effect, this  
7 Act takes effect September 1, 2009.