

1-1 By: Hinojosa S.B. No. 1153
1-2 (In the Senate - Filed February 26, 2009; March 13, 2009,
1-3 read first time and referred to Committee on State Affairs;
1-4 April 21, 2009, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 7, Nays 0; April 21, 2009,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1153 By: Van de Putte

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

1-10 relating to the liability of a landowner for an act or omission of a
1-11 firefighter or peace officer on the property of the landowner.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Chapter 75, Civil Practice and Remedies Code, is
1-14 amended by adding Section 75.006 to read as follows:

1-15 Sec. 75.006. LIABILITY LIMITED FOR ACTIONS OF FIREFIGHTER
1-16 OR PEACE OFFICER. (a) In this section:

1-17 (1) "Firefighter" means a member of a fire department
1-18 who performs a function listed in Section 419.021(3)(C), Government
1-19 Code.

1-20 (2) "Livestock" has the meaning assigned by Section
1-21 1.003, Agriculture Code.

1-22 (3) "Peace officer" has the meaning assigned by
1-23 Section 1.07, Penal Code, or other state or federal law.

1-24 (b) A landowner is not liable for damages arising from an
1-25 incident or accident caused by livestock of the landowner due to an
1-26 act or omission of a firefighter or a peace officer who has entered
1-27 the landowner's property with or without the permission of the
1-28 landowner, regardless of whether the damage occurs on the
1-29 landowner's property.

1-30 SECTION 2. The change in law made by this Act applies only
1-31 to an act or omission of a firefighter or peace officer that occurs
1-32 on or after the effective date of this Act. An act or omission of a
1-33 firefighter or peace officer that occurred before the effective
1-34 date of this Act is covered by the law in effect when the act or
1-35 omission occurred, and the former law is continued in effect for
1-36 that purpose.

1-37 SECTION 3. This Act takes effect September 1, 2009.

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