

By: Shapleigh

S.B. No. 1563

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the liability of an electric utility that allows  
3 recreational use of land that the utility owns, occupies, or  
4 leases.

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

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

8 Sec. 75.0021. IMMUNITY FROM LIABILITY OF AN ELECTRIC  
9 UTILITY. (a) In this section:

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

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

14 (b) An electric utility that, as the owner, easement holder,  
15 occupant, or lessee of land, signs an agreement with a  
16 municipality, county, or political subdivision to allow public  
17 access to or use of the premises for recreation by allowing the  
18 public access or use does not assume responsibility or incur  
19 liability to a third party who enters the premises for recreation to  
20 the extent the municipality, county, or political subdivision  
21 agrees to indemnify the electric utility for liability arising from  
22 the condition of the premises for such recreational use.

23 (c) This section applies only to a county that is within 50  
24 miles of an international border and has a population that is in

1 excess of 675,000.

2 SECTION 2. Subsection (b), Section 75.003, Civil Practice  
3 and Remedies Code, is amended to read as follows:

4 (b) This chapter does not affect the doctrine of attractive  
5 nuisance, except as follows:

6 (1) [~~that~~] the doctrine may not be the basis for  
7 liability of an owner, lessee, or occupant of agricultural land for  
8 any injury to a trespasser over the age of 16 years; and

9 (2) the doctrine is limited to the extent provided by  
10 Section 75.0021(b).

11 SECTION 3. This Act applies only to a cause of action that  
12 accrues on or after the effective date of this Act. A cause of  
13 action that accrues before the effective date of this Act is  
14 governed by the law in effect immediately before that date, and that  
15 law is continued in effect for that purpose.

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