

By: Shapleigh

S.B. No. 1563

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the liability of a public utility that allows
3 recreational use of land that the public 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 PUBLIC UTILITY.

9 (a) In this section:

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

12 (2) "Public utility" means:

13 (A) an electric utility as defined by Section
14 31.002, Utilities Code;

15 (B) a telecommunications provider as defined by
16 Section 51.002, Utilities Code;

17 (C) a cable service provider or video service
18 provider as defined by Section 66.002, Utilities Code;

19 (D) a gas utility as defined by Section 101.003
20 or 121.001, Utilities Code; or

21 (E) a water and sewer utility as defined by
22 Section 13.002, Water Code.

23 (b) A public utility that, as the owner, occupant, or lessee
24 of land, gives permission to a person to enter the premises for

1 recreation does not, by giving that permission:

2 (1) ensure that the premises are safe for recreation;

3 or

4 (2) assume responsibility or incur liability for any
5 damage to or loss of property, or for any bodily or other personal
6 injury to, or death of, a person who enters the premises for
7 recreation or accompanies another person entering the premises for
8 recreation, including injury, death, or other damage or loss
9 arising from:

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

12 (B) contact of a person or property with power
13 lines or exposure of a person or property to electromagnetic
14 fields;

15 (C) a premises defect in or other condition
16 relating to the premises; or

17 (D) any negligence or gross negligence of the
18 public utility.

19 SECTION 2. This Act applies only to a cause of action that
20 accrues on or after the effective date of this Act. A cause of
21 action that accrues before the effective date of this Act is
22 governed by the law in effect immediately before that date, and that
23 law is continued in effect for that purpose.

24 SECTION 3. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2009.