

1-1 By: Shapleigh S.B. No. 1563
1-2 (In the Senate - Filed March 9, 2009; March 17, 2009, read
1-3 first time and referred to Committee on State Affairs;
1-4 April 20, 2009, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 7, Nays 0; April 20, 2009,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1563 By: Lucio

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. IMMUNITY FROM LIABILITY OF AN ELECTRIC
1-17 UTILITY. (a) In this section:

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

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

1-22 (b) An electric 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 to a third party who enters the premises for recreation to
1-28 the extent the municipality, county, or political subdivision
1-29 agrees to indemnify the electric utility for liability arising from
1-30 the condition of the premises for such recreational use.

1-31 (c) This section applies only to a county that is within 50
1-32 miles of an international border and has a population that is in
1-33 excess of 675,000.

1-34 SECTION 2. Subsection (b), Section 75.003, Civil Practice
1-35 and Remedies Code, is amended to read as follows:

1-36 (b) This chapter does not affect the doctrine of attractive
1-37 nuisance, except as follows:

1-38 (1) ~~that~~ the doctrine may not be the basis for
1-39 liability of an owner, lessee, or occupant of agricultural land for
1-40 any injury to a trespasser over the age of 16 years; and

1-41 (2) the doctrine is limited to the extent provided by
1-42 Section 75.0021(b).

1-43 SECTION 3. This Act applies only to a cause of action that
1-44 accrues on or after the effective date of this Act. A cause of
1-45 action that accrues before the effective date of this Act is
1-46 governed by the law in effect immediately before that date, and that
1-47 law is continued in effect for that purpose.

1-48 SECTION 4. This Act takes effect immediately if it receives
1-49 a vote of two-thirds of all the members elected to each house, as
1-50 provided by Section 39, Article III, Texas Constitution. If this
1-51 Act does not receive the vote necessary for immediate effect, this
1-52 Act takes effect September 1, 2009.

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