

House Bill 783
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

Sec. 75.0021. IMMUNITY FROM LIABILITY OF CERTAIN PUBLIC UTILITIES. (a) In this section:

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

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

(b) A public utility that, as the owner, occupant, or lessee of land, signs an agreement with a municipality, county, or other political subdivision of the state to allow public access to or use of the premises for recreation does not, by allowing the public access or use:

(1) assure that the premises are safe for recreation; or

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

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

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

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

(D) any negligence or gross negligence of the public

SENATE VERSION

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

Sec. 75.0021. LIMITED LIABILITY OF CERTAIN PUBLIC UTILITIES. (a) In this section:

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

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

(b) A public utility that, as the owner, easement holder, occupant, or lessee of land, signs an agreement with a municipality, county, or political subdivision to allow public access to or use of the premises for recreation by allowing the public access or use

does not assume responsibility or incur liability beyond that provided by Chapter 75 of the Civil Practice & Remedies Code to a third party who enters the premises for recreation to the extent the municipality, county, or political subdivision purchases a general liability insurance policy in amounts required by Chapter 75 of the Civil Practice & Remedies Code insuring the public utility for liability arising from the condition of the premises for such recreational use.

CONFERENCE

House Bill 783
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

utility.

(c) This section applies only to a public utility located in a county with a population of 600,000 or more and located on the international border.

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

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

SENATE VERSION

(c) This section applies only to a public utility located in:
(1) a county with a population of 600,000 or more and located on the international border; or
(2) a municipal management district located in a municipality with a population of more than 1.9 million.

Same as House version.

Same as House version.

CONFERENCE