

Amend the Kleinschmidt amendment to CSSB 1 as follows by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 75.0021, Civil Practice and Remedies Code, is amended 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:

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

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

(C) an electric cooperative as defined by Section 11.003, Utilities Code;

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

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

(b) A public utility that, as the owner, easement holder, occupant, or lessee of land, gives permission to a person to enter ~~[signs an agreement with a municipality, county, or political subdivision to allow public access to or use of]~~ the premises for recreation, exercise, education, relaxation, travel, or pleasure ~~[by allowing the public access or use]~~ does not by giving that permission:

(1) ensure that the premises are safe for recreation, exercise, education, relaxation, travel, or pleasure; or

(2) assume responsibility or incur any liability for:

(A) damages arising from or related to any bodily or other personal injury to or death of any person ~~[beyond that provided by Chapter 75 of the Civil Practice and Remedies Code to a third party]~~ who enters the premises for recreation, exercise, education, relaxation, travel, or pleasure or accompanies another person entering the premises for recreation, exercise, education, relaxation, travel, or pleasure;

(B) property damage sustained by any person who enters the premises for recreation, exercise, education, relaxation, travel, or pleasure or accompanies another person entering the premises for recreation, exercise, education, relaxation, travel, or pleasure; or

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

(c) Subsection (b) applies to any claim for damages, including a claim:

(1) alleging gross negligence;

(2) asserting the doctrine of attractive nuisance; or

(3) arising from contact of a person or property with power lines or exposure of a person or property to electric and magnetic fields [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 and Remedies Code insuring the public utility for liability arising from the condition of the premises for such recreational use].

(d) A public utility that, as the owner, easement holder, occupant, or lessee of land, allows the use of the premises for recreation, exercise, education, relaxation, travel, or pleasure shall post and maintain a clearly readable sign in a clearly visible location on or near the premises. The sign must contain the following warning language:

WARNING

TEXAS LAW (CHAPTER 75, CIVIL PRACTICE AND REMEDIES CODE) LIMITS THE LIABILITY OF A PUBLIC UTILITY FOR DAMAGES ARISING FROM THE USE OF THIS PROPERTY FOR RECREATION, EXERCISE, EDUCATION, RELAXATION, TRAVEL, OR PLEASURE.

(e) [(c)] This section applies only to a public utility located in[+]

[(1)] a county:

(1) with a population of 600,000 or more and located on the international border; [or]

(2) with a population of four million or more; or

(3) adjacent to a county with a population of four million or more [a municipal management district located in a

~~municipality with a population of more than 1.9 million].~~

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

(b) Except as provided by Sections 75.0021(b) and (c), this ~~[This]~~ chapter does not affect the doctrine of attractive nuisance, except that the doctrine may not be the basis for liability of an owner, lessee, or occupant of agricultural land for any injury to a trespasser over the age of 16 years.

SECTION _____. Sections 75.0021 and 75.003(b), Civil Practice and Remedies Code, as amended by this Act, apply 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.