

By: Hinojosa

S.B. No. 1417

A BILL TO BE ENTITLED

AN ACT

relating to the limitation of liability of certain landowners.

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

SECTION 1. The heading to Section 75.006, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 75.006. LIABILITY LIMITED FOR ACTIONS OF FIREFIGHTER, FEDERAL LAW ENFORCEMENT OFFICER, OR PEACE OFFICER.

SECTION 2. Section 75.006, Civil Practice and Remedies Code, is amended by amending Subsection (a) and adding Subsections (c), (d), and (e) to read as follows:

(a) In this section:

(1) "Federal law enforcement officer" means a law enforcement officer as defined by 5 U.S.C. Section 8331(20).

(2) "Firefighter" means a member of a fire department who performs a function listed in Section 419.021(3)(C), Government Code.

(3) [~~(2)~~] "Livestock" has the meaning assigned by Section 1.003, Agriculture Code.

(4) [~~(3)~~] "Peace officer" has the meaning assigned by Section 1.07, Penal Code, or other state or federal law.

(c) An owner, lessee, or occupant of agricultural land is not liable for any damage or injury to any person or property that arises from the actions of a peace officer or federal law enforcement officer when the officer enters or causes another

1 person to enter the agricultural land with or without the  
2 permission of the owner, lessee, or occupant. The owner, lessee, or  
3 occupant of agricultural land is not liable for the damage or injury  
4 regardless of whether the damage or injury occurs on the  
5 agricultural land.

6       (d) The owner, lessee, or occupant of agricultural land is  
7 not liable for any damage or injury to any person or property that  
8 arises from the actions of an individual who, because of the actions  
9 of a peace officer or federal law enforcement officer, enters or  
10 causes another person to enter the agricultural land without the  
11 permission of the owner, lessee, or occupant.

12       (e) This section does not limit the liability of an owner,  
13 lessee, or occupant of agricultural land for any damage or injury  
14 that arises from a wilful or wanton act or gross negligence by the  
15 owner, lessee, or occupant.

16       SECTION 3. The change in law made by this Act applies only  
17 to an action that occurs on or after the effective date of this Act.  
18 An action that occurred before the effective date of this Act is  
19 governed by the law in effect immediately before the effective date  
20 of this Act, and the former law is continued in effect for that  
21 purpose.

22       SECTION 4. This Act takes effect September 1, 2011.