

1-1 By: Hinojosa S.B. No. 1417  
1-2 (In the Senate - Filed March 10, 2011; March 22, 2011, read  
1-3 first time and referred to Committee on State Affairs; May 3, 2011,  
1-4 reported adversely, with favorable Committee Substitute by the  
1-5 following vote: Yeas 8, Nays 0; May 3, 2011, sent to printer.)

1-6 COMMITTEE SUBSTITUTE FOR S.B. No. 1417 By: Duncan

1-7 A BILL TO BE ENTITLED  
1-8 AN ACT

1-9 relating to the limitation of liability of certain landowners.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. The heading to Section 75.006, Civil Practice  
1-12 and Remedies Code, is amended to read as follows:

1-13 Sec. 75.006. LIABILITY LIMITED FOR ACTIONS OF FIREFIGHTER,  
1-14 FEDERAL LAW ENFORCEMENT OFFICER, OR PEACE OFFICER.

1-15 SECTION 2. Section 75.006, Civil Practice and Remedies  
1-16 Code, is amended by amending Subsection (a) and adding Subsections  
1-17 (c), (d), and (e) to read as follows:

1-18 (a) In this section:

1-19 (1) "Federal law enforcement officer" means a law  
1-20 enforcement officer as defined by 5 U.S.C. Section 8331(20).

1-21 (2) "Firefighter" means a member of a fire department  
1-22 who performs a function listed in Section 419.021(3)(C), Government  
1-23 Code.

1-24 (3) ~~[(2)]~~ "Livestock" has the meaning assigned by  
1-25 Section 1.003, Agriculture Code.

1-26 (4) ~~[(3)]~~ "Peace officer" has the meaning assigned by  
1-27 Section 1.07, Penal Code, or other state or federal law.

1-28 (c) An owner, lessee, or occupant of agricultural land is  
1-29 not liable for any damage or injury to any person or property that  
1-30 arises from the actions of a peace officer or federal law  
1-31 enforcement officer when the officer enters or causes another  
1-32 person to enter the agricultural land with or without the  
1-33 permission of the owner, lessee, or occupant. The owner, lessee, or  
1-34 occupant of agricultural land is not liable for the damage or injury  
1-35 regardless of whether the damage or injury occurs on the  
1-36 agricultural land.

1-37 (d) The owner, lessee, or occupant of agricultural land is  
1-38 not liable for any damage or injury to any person or property that  
1-39 arises from the actions of an individual who, because of the actions  
1-40 of a peace officer or federal law enforcement officer, enters or  
1-41 causes another person to enter the agricultural land without the  
1-42 permission of the owner, lessee, or occupant.

1-43 (e) This section does not limit the liability of an owner,  
1-44 lessee, or occupant of agricultural land for any damage or injury  
1-45 that arises from a wilful or wanton act or gross negligence by the  
1-46 owner, lessee, or occupant.

1-47 SECTION 3. The change in law made by this Act applies only  
1-48 to an action that occurs on or after the effective date of this Act.  
1-49 An action that occurred before the effective date of this Act is  
1-50 governed by the law in effect immediately before the effective date  
1-51 of this Act, and the former law is continued in effect for that  
1-52 purpose.

1-53 SECTION 4. This Act takes effect September 1, 2011.

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