

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 21, 2011

TO: Honorable Jim Jackson, Chair, House Committee on Judiciary & Civil Jurisprudence

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB3802 by Davis, Sarah (relating to liability of certain public utilities that allow certain uses of land that the public utility owns, occupies, or leases.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Civil Practice and Remedies Code to add telecommunications, electric cooperatives, gas, and water and sewer providers as "public utilities" to be afforded limited liability protection under the statute. Additionally, the bill would delete the requirement in the statute that a public utility must enter an agreement with a municipality, county or political subdivision to obtain the statute's limited liability and would instead provide that a public utility granting permission to a person to enter the premises for recreation, exercise, education, relaxation, travel, or pleasure does not by giving permission assure that the premises are safe for such purposes or assume responsibility or incur liability for certain damages.

The bill would require public utilities that allow use of their premises for recreation to post a sign containing specific warning language provided in the bill. The bill amendments would apply only to public utilities located in counties with a population of 600,000 or more and located on the international border, counties with a population of four million or more, and counties adjacent to a county with a population of four million or more.

The bill would reduce claims against the entities defined as "public utilities" but would not be expected to significantly reduce the overall number of court filings throughout the state. Accordingly, no significant fiscal implication is anticipated. The bill would take immediate effect if the bill receives two-thirds the vote of all members in both houses. Otherwise, the bill would take effect September 1, 2011.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 473 Public Utility Commission of Texas, 212 Office of Court Administration, Texas Judicial Council

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