

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 17, 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 recreational use of land that the public utility owns, occupies, or leases.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Civil Practice and Remedies Code to add telecommunications, cable service, gas, 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 does not by giving permission assure that the premises are safe for recreation 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 would delete a current provision, which limits the applicability of the statute to certain counties and municipal management districts. 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: 212 Office of Court Administration, Texas Judicial Council, 473 Public Utility Commission of Texas

LBB Staff: JOB, JT, TB