

BILL ANALYSIS

H.B. 3385
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

According to interested parties, agritourism, or activities on agricultural land for recreational or educational purposes, is of growing interest to agriculture producers as a new enterprise for generating revenue. The parties note that a landowner who opens the landowner's property to the public faces the risk of being considered liable if someone is injured while on the property. Over the last few years, several states have enacted legislation to limit the liability of agritourism operators with regard to the dangers, hazards, or conditions inherent to agritourism activities. H.B. 3385 seeks to add Texas to those states by limiting liability for an agritourism entity involved in an agritourism activity.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 3385 amends the Civil Practice and Remedies Code to grant an agritourism entity certain immunity from liability for an agritourism participant injury or damages arising out of the agritourism participant injury if a certain warning is posted as required under the bill's provisions or if the agritourism entity has a signed release from the agritourism participant indicating that the participant has received written notice of the required warning. The bill specifies the injuries for which it does not limit liability and establishes that the bill's limitation on liability is in addition to other limitations of liability.

H.B. 3385 requires an agritourism entity to post and maintain a warning sign in a clearly visible location on or near any premises on which an agritourism activity is conducted unless a written agreement and warning statement is given to and signed by the agritourism participant. The bill sets out the required language for the sign and establishes the conditions under which a written agreement and warning statement is considered effective and enforceable.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.