

By: Frullo

H.B. No. 2839

Substitute the following for H.B. No. 2839:

By: King of Hemphill

C.S.H.B. No. 2839

A BILL TO BE ENTITLED

1 AN ACT
2 relating to a landowner's liability for certain aviation activities
3 on the owner's land.

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

5 SECTION 1. Section 75.001, Civil Practice and Remedies
6 Code, is amended by adding Subdivision (1-a) and amending
7 Subdivision (3) to read as follows:

8 (1-a) "Aviation activities" means the operation,
9 including taxiing, handling, taking off, flying, or landing, of an
10 airplane or other aircraft.

11 (3) "Recreation" means an activity such as:

12 (A) hunting;

13 (B) fishing;

14 (C) swimming;

15 (D) boating;

16 (E) camping;

17 (F) picnicking;

18 (G) hiking;

19 (H) pleasure driving, including off-road
20 motorcycling and off-road automobile driving and the use of
21 all-terrain vehicles;

22 (I) nature study, including bird-watching;

23 (J) cave exploration;

24 (K) waterskiing and other water sports;

1 (L) any other activity associated with enjoying
2 nature or the outdoors;

3 (M) bicycling and mountain biking;

4 (N) disc golf;

5 (O) on-leash and off-leash walking of dogs; [~~or~~]

6 (P) radio control flying and related activities;

7 or

8 (Q) aviation activities in connection with the
9 use of a landing or takeoff area:

10 (i) that complies with the Federal Aviation
11 Administration notification requirements under 14 C.F.R. Part 157;

12 (ii) located on land the owner, lessee, or
13 occupant of which is not a governmental unit;

14 (iii) held open to the public for aviation
15 activities by the owner, lessee, or occupant of the land on which
16 the landing or takeoff area is located; and

17 (iv) for the use of which the owner, lessee,
18 or occupant of the land does not charge.

19 SECTION 2. The change in law made by this Act applies only
20 to a cause of action that accrues on or after the effective date of
21 this Act. A cause of action that accrues before the effective date
22 of this Act is governed by the law applicable to the cause of action
23 immediately before the effective date of this Act, and that law is
24 continued in effect for that purpose.

25 SECTION 3. This Act takes effect September 1, 2013.