

1-1 By: Miles, Rodriguez of Travis, Farrar H.B. No. 262
 1-2 (Senate Sponsor - Creighton)
 1-3 (In the Senate - Received from the House May 6, 2015;
 1-4 May 7, 2015, read first time and referred to Committee on State
 1-5 Affairs; May 21, 2015, reported favorably by the following vote:
 1-6 Yeas 9, Nays 0; May 21, 2015, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 A BILL TO BE ENTITLED
 1-19 AN ACT

1-20 relating to liability of an owner, lessee, or occupant of land that
 1-21 allows land to be used as a community garden.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Chapter 75, Civil Practice and Remedies Code, is
 1-24 amended by adding Section 75.0025 to read as follows:

1-25 Sec. 75.0025. LIMITED LIABILITY OF PERSONS ALLOWING CERTAIN
 1-26 USES OF LAND. (a) In this section, "community garden" means the
 1-27 premises used for recreational gardening by a group of people
 1-28 residing in a neighborhood or community for the purpose of
 1-29 providing fresh produce for the benefit of the residents of the
 1-30 neighborhood or community.

1-31 (b) An owner, lessee, or occupant of land that gives
 1-32 permission to another person to enter and use the land as a
 1-33 community garden does not by giving that permission:

1-34 (1) ensure that the premises are safe; or
 1-35 (2) assume responsibility or incur any liability for:
 1-36 (A) damages arising from or related to any bodily
 1-37 or other personal injury to or death of any person who enters the
 1-38 premises for a purpose related to a community garden;

1-39 (B) property damage sustained by any person who
 1-40 enters the premises for a purpose related to a community garden; or
 1-41 (C) an act of a third party that occurs on the
 1-42 premises.

1-43 (c) The doctrine of attractive nuisance does not apply to a
 1-44 claim that is subject to this section.

1-45 (d) This section does not limit the liability of an owner,
 1-46 lessee, or occupant of land for an injury caused by wilful or wanton
 1-47 acts or gross negligence by the owner, lessee, or occupant.

1-48 (e) An owner, lessee, or occupant of land that allows the
 1-49 use of the premises as a community garden shall post and maintain a
 1-50 clearly readable sign in a clearly visible location on or near the
 1-51 premises. The sign must contain the following warning language:

1-52 WARNING
 1-53 TEXAS LAW (CHAPTER 75, CIVIL PRACTICE AND
 1-54 REMEDIES CODE) LIMITS THE LIABILITY OF THE LANDOWNER,
 1-55 LESSEE, OR OCCUPANT FOR DAMAGES ARISING FROM THE USE OF
 1-56 THIS PROPERTY AS A COMMUNITY GARDEN.

1-57 SECTION 2. Section 75.003(b), Civil Practice and Remedies
 1-58 Code, is amended to read as follows:

1-59 (b) This chapter does not affect the doctrine of attractive
 1-60 nuisance, except:

1-61 (1) as provided by Section 75.0022(g) or 75.0025(c);

2-1 and

2-2 (2) the doctrine of attractive nuisance may not be the
2-3 basis for liability of an owner, lessee, or occupant of
2-4 agricultural land for any injury to a trespasser over the age of 16
2-5 years.

2-6 SECTION 3. The change in law made by this Act applies only
2-7 to a cause of action that accrues on or after the effective date of
2-8 this Act. A cause of action that accrues before the effective date
2-9 of this Act is governed by the law in effect immediately before that
2-10 date, and that law is continued in effect for that purpose.

2-11 SECTION 4. This Act takes effect September 1, 2015.

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