

By: Bell

H.B. No. 447

A BILL TO BE ENTITLED

AN ACT

relating to the civil liability of certain businesses in connection with allowing or forbidding handguns on the business premises.

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

SECTION 1. Title 4, Civil Practice and Remedies Code, is amended by adding Chapter 95A to read as follows:

CHAPTER 95A. LIABILITY OF BUSINESS IN CONNECTION WITH
ALLOWING OR FORBIDDING HANDGUNS

Sec. 95A.001. DEFINITION. In this chapter, "license holder" means a person licensed to carry a handgun under Subchapter H, Chapter 411, Government Code.

Sec. 95A.002. LIABILITY OF BUSINESS THAT FORBIDS HANDGUNS.

(a) This section does not apply to an entity required to display a sign under Section 411.204, Government Code.

(b) A person with control over the premises of a business who forbids entry on the premises by a license holder with a handgun is liable for damages that could have been prevented by the otherwise lawful use of a handgun by a license holder who would otherwise have carried a handgun onto the premises.

Sec. 95A.003. IMMUNITY OF BUSINESS THAT ALLOWS HANDGUNS. A

person with control over the premises of a business who allows entry on the premises by a license holder with a handgun is not liable based solely on that permission for damages arising from the lawful carrying of a handgun on the premises.

1 Sec. 95A.004. ORAL OR WRITTEN COMMUNICATION. For purposes
2 of this chapter:

3 (1) an oral or written communication that constitutes
4 notice for purposes of Section 30.06 or 30.07, Penal Code, is
5 sufficient to constitute forbidding entry on the premises by a
6 license holder with a concealed or openly carried handgun, as
7 applicable; and

8 (2) the lack of an oral or written communication that
9 constitutes notice for purposes of Section 30.06 or 30.07, Penal
10 Code, is sufficient to constitute allowing entry on the premises by
11 a license holder with a concealed or openly carried handgun, as
12 applicable.

13 SECTION 2. (a) Section 95A.002, Civil Practice and
14 Remedies Code, as added by this Act, applies only to a cause of
15 action that accrues on or after the effective date of this Act. A
16 cause of action that accrues before the effective date of this Act
17 is governed by the law applicable to the cause of action immediately
18 before that date, and that law is continued in effect for that
19 purpose.

20 (b) Section 95A.003, Civil Practice and Remedies Code, as
21 added by this Act, does not apply to a cause of action that accrued
22 before the effective date of this Act. A cause of action that
23 accrued before the effective date of this Act is governed by the law
24 applicable to the cause of action immediately before that date, and
25 that law is continued in effect for that purpose.

26 SECTION 3. This Act takes effect September 1, 2017.