

By: Murr

H.B. No. 1091

A BILL TO BE ENTITLED

AN ACT

relating to liability arising from certain prescribed burning activity.

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

SECTION 1. Section 153.081, Natural Resources Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) Subject to Section 153.082, and except as provided by Subsection (a-1), an owner, lessee, or occupant of agricultural or conservation land is not liable for property damage or for injury or death to persons caused by or resulting from prescribed burning conducted on the land owned by, leased by, or occupied by the person if the prescribed burning is conducted:

(1) under the supervision of a certified and insured prescribed burn manager; or

(2) by the members of a prescribed burning organization.

(a-1) The limitation of liability provided by Subsection (a) does not apply to prescribed burning that is conducted in a manner found to be grossly negligent. For purposes of this subsection, prescribed burning is conducted in a grossly negligent manner if the conduct is so reckless or wanting in care that it constitutes a conscious disregard or indifference to the life, safety, or rights of a person exposed to the conduct.

1 SECTION 2. The changes in law made by this Act apply only to
2 a cause of action that accrues on or after the effective date of
3 this Act. A cause of action that accrued before the effective date
4 of this Act is governed by the law applicable to the cause of action
5 immediately before the effective date of this Act, and that law is
6 continued in effect for that purpose.

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