

BILL ANALYSIS

H.B. 1794
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been pointed out that the recreational use statute was designed to protect private landowners who generously offer the use of their property to others for free for certain designated activities, such as a rancher allowing a boy scout troop to use their property to hike and camp. However, the statute currently allows landowners to cap their damages and only be liable for gross negligence if they purchase a minimum amount of insurance, regardless of whether they charge admission to their property. H.B. 1794 seeks to allow landowners to continue letting people use their land under the recreational use statute but removes the condition that limits liability for landowners who purchase liability insurance.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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. 1794 amends the Civil Practice and Remedies Code to exclude from application of statutory provisions governing the limitation of landowners' liability an owner, lessee, or occupant of real property who has liability insurance coverage in effect on an act or omission by the owner, lessee, or occupant that results in damages to a person who has entered the premises.

H.B. 1794 repeals Section 75.004(b), Civil Practice and Remedies Code.

EFFECTIVE DATE

September 1, 2021.