By:  Leman, et al. (Senate Sponsor - Springer) H.B. No. 4346

(In the Senate - Received from the House May 6, 2021; May 10, 2021, read first time and referred to Committee on State Affairs; May 19, 2021, reported favorably by the following vote: Yeas 8, Nays 1; May 19, 2021, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Hughes          X

Birdwell        X

Campbell        X

Hall            X

Lucio           X

Nelson          X

Powell              X

Schwertner      X

Zaffirini       X

A BILL TO BE ENTITLED

AN ACT

relating to the possession, carrying, or transportation of a firearm or alcoholic beverage by certain persons during the use of an easement.

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

SECTION 1.  Subchapter A, Chapter 5, Property Code, is amended by adding Section 5.020 to read as follows:

Sec. 5.020.  EASEMENTS RESTRICTING POSSESSION OF FIREARMS OR ALCOHOLIC BEVERAGES PROHIBITED. (a) In this section:

(1)  "Alcoholic beverage" has the meaning assigned by Section 1.04, Alcoholic Beverage Code.

(2)  "Firearm" has the meaning assigned by Section 46.01, Penal Code. The term includes any firearm parts, firearm accessories, and firearm ammunition.

(b)  An instrument granting an access easement may not restrict or prohibit an easement holder or an easement holder's guest from possessing, carrying, or transporting a firearm or an alcoholic beverage over the servient estate while using the easement for the easement's purpose.

(c)  The owner of a servient estate may not enforce a restrictive covenant in an instrument granting an access easement over the servient estate that restricts or prohibits the easement holder or the easement holder's guest from possessing, carrying, or transporting a firearm or an alcoholic beverage over the servient estate while using the easement for the easement's purpose.

SECTION 2.  Section 5.020, Property Code, as added by this Act, applies to an easement granted before, on, or after the effective date of this Act.

SECTION 3.  This Act takes effect September 1, 2021.

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