By:  Miles S.B. No. 1988

A BILL TO BE ENTITLED

AN ACT

relating to liability of certain electric utilities that allow certain uses of land that the electric utility owns, occupies, or leases.

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

SECTION 1.  Section 75.0022(c), (d), and (f), Civil Practice and Remedies Code, is amended to read as follows:

(c)  An electric utility, as the owner, easement holder, occupant, or lessee of land, may enter into a written agreement with a political subdivision to allow public access to and use of the premises of the electric utility for recreation, exercise, relaxation, travel, transportation, or pleasure.

(d)  The electric utility, by entering into an agreement under this section or at any time during the term of the agreement, does not:

(1)  assure that the premises are safe for recreation, exercise, relaxation, travel, transportation, or pleasure;

(2)  owe to a person entering the premises for recreation, exercise, relaxation, travel, transportation, or pleasure, or accompanying another person entering the premises for recreation, exercise, relaxation, travel, transportation, or pleasure, a greater degree of care than is owed to a trespasser on the premises; or

(3)  except as provided by Subsection (e), assume responsibility or incur any liability for:

(A)  damages arising from or related to bodily or other personal injury to or death of any person who enters the premises for recreation, exercise, relaxation, travel, transportation, or pleasure or accompanies another person entering the premises for recreation, exercise, relaxation, travel, transportation, or pleasure;

(B)  property damage sustained by any person who enters the premises for recreation, exercise, relaxation, travel, transportation, or pleasure or accompanies another person entering the premises for recreation, exercise, relaxation, travel, transportation, or pleasure;

(C)  an act of a third party that occurs on the premises,

regardless of whether the act is intentional.

(f)  The limitation on liability provided by this section applies only to a cause of action brought by a person who enters the premises for recreation, exercise, relaxation, travel, transportation, or pleasure or accompanies another person entering the premises for recreation, exercise, relaxation, travel, transportation, or pleasure.

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

SECTION 3.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.