

By: Johnson of Dallas

H.B. No. 1794

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the liability of an owner, lessee, or occupant of real
3 property in connection with the use of or entry onto the property.

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

5 SECTION 1. Section 75.003(c), Civil Practice and Remedies
6 Code, is amended to read as follows:

7 (c) Except for a governmental unit, this chapter applies
8 only to an owner, lessee, or occupant of real property who:

9 (1) does not charge for entry to the premises; or

10 (2) charges for entry to the premises, but whose total
11 charges collected in the previous calendar year for all
12 recreational use of the entire premises of the owner, lessee, or
13 occupant are not more than 20 times the total amount of ad valorem
14 taxes imposed on the premises for the previous calendar year [~~or~~

15 ~~[(3) has liability insurance coverage in effect on an~~
16 ~~act or omission described by Section 75.004(a) and in the amounts~~
17 ~~equal to or greater than those provided by that section].~~

18 SECTION 2. Section 75.004(a), Civil Practice and Remedies
19 Code, is amended to read as follows:

20 (a) The [~~Subject to Subsection (b), the~~] liability of an
21 owner, lessee, or occupant of agricultural land used for
22 recreational purposes for an act or omission by the owner, lessee,
23 or occupant relating to the premises that results in damages to a
24 person who has entered the premises is limited to a maximum amount

1 of \$500,000 for each person and \$1 million for each single
2 occurrence of bodily injury or death and \$100,000 for each single
3 occurrence for injury to or destruction of property. In the case of
4 agricultural land, the total liability of an owner, lessee, or
5 occupant for a single occurrence is limited to \$1 million, and the
6 liability also is subject to the limits for each single occurrence
7 of bodily injury or death and each single occurrence for injury to
8 or destruction of property stated in this subsection.

9 SECTION 3. Section 75.004(b), Civil Practice and Remedies
10 Code, is repealed.

11 SECTION 4. The change in law made by this Act applies only
12 to a cause of action that accrues on or after the effective date of
13 this Act. A cause of action that accrued before the effective date
14 of this Act is governed by the law applicable to the cause of action
15 immediately before the effective date of this Act, and that law is
16 continued in effect for that purpose.

17 SECTION 5. This Act takes effect September 1, 2021.