

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) This section does not apply to a right-of-way easement for a pipeline, electric transmission line, or other utility.

(c) 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.

(d) 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

1 holder or the easement holder's guest from possessing, carrying, or
2 transporting a firearm or an alcoholic beverage over the servient
3 estate while using the easement for the easement's purpose.

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

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

President of the Senate

Speaker of the House

I certify that H.B. No. 4346 was passed by the House on May 5, 2021, by the following vote: Yeas 88, Nays 56, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 4346 on May 28, 2021, by the following vote: Yeas 119, Nays 24, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 4346 was passed by the Senate, with amendments, on May 22, 2021, by the following vote: Yeas 22, Nays 9.

Secretary of the Senate

APPROVED: _____

Date

Governor