

By: Miles

S.B. No. 1988

A BILL TO BE ENTITLED

1 AN ACT
2 relating to liability of certain electric utilities that allow
3 certain uses of land that the electric utility owns, occupies, or
4 leases.

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

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

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

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

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

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

24 (3) except as provided by Subsection (e), assume

1 responsibility or incur any liability for:

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

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

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

15 regardless of whether the act is intentional.

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

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

27 SECTION 3. This Act takes effect immediately if it receives

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