88R18776 SCL-D

By:  Murr, King of Uvalde, Price, Bailes, H.B. No. 73

     Darby, et al.

Substitute the following for H.B. No. 73:

By:  Vasut C.S.H.B. No. 73

A BILL TO BE ENTITLED

AN ACT

relating to limitation of certain liability of owners, lessees, and occupants of land in connection with livestock and agricultural land.

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

SECTION 1.  Section 75.006, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 75.006.  CERTAIN LIABILITY LIMITED IN CONNECTION WITH LIVESTOCK OR AGRICULTURAL LAND [~~FOR ACTIONS OF FIREFIGHTER, FEDERAL LAW ENFORCEMENT OFFICER, OR PEACE OFFICER~~]. (a) In this section:

(1)  "Federal law enforcement officer" means a law enforcement officer as defined by 5 U.S.C. Section 8331(20).

(2)  "Firefighter" means a member of a fire department who performs a function listed in Section 419.021(3)(C), Government Code.

(3)  "Livestock" has the meaning assigned by Section 1.003, Agriculture Code.

(4)  "Peace officer" has the meaning assigned by Section 1.07, Penal Code, or other state or federal law.

(5)  "Trespasser" has the meaning assigned by Section 75.007.

(b)  A landowner or lessee is not liable for damages arising from an incident or accident involving [~~caused by~~] livestock of the landowner or lessee, regardless of whether the damage occurs on the landowner's or lessee's property, due to:

(1)  an act or omission of a firefighter or a peace officer who has entered the landowner's or lessee's property with or without the permission of the landowner or lessee;

(2)  an act or omission of a trespasser who enters the landowner's or lessee's property;

(3)  an act or omission of a third party who enters the landowner's or lessee's property without the landowner's or lessee's express or implied permission and damages a fence or gate on the property, including damage caused by a vehicle or other means; or

(4)  wildlife or an act of God[~~, regardless of whether the damage occurs on the landowner's property~~].

(c)  An owner, lessee, or occupant of agricultural land is not liable for any damage or injury to any person or property, regardless of whether the damage or injury occurs on the land, that arises from:

(1)  the actions of a peace officer or federal law enforcement officer when the officer enters or causes another person to enter the agricultural land with or without the permission of the owner, lessee, or occupant;

(2)  the actions of a trespasser who enters the land;

(3)  the actions of a third party who enters the land without the landowner's, lessee's, or occupant's express or implied permission and damages a fence or gate on the land, including damage caused by a vehicle or other means; or

(4)  wildlife or an act of God[~~, regardless of whether the damage or injury occurs on the agricultural land~~].

(d)  The owner, lessee, or occupant of agricultural land is not liable for any damage or injury to any person or property that arises from the actions of an individual who[~~, because of the actions of a peace officer or federal law enforcement officer,~~] enters or causes another person to enter the agricultural land without the permission of the owner, lessee, or occupant because of:

(1)  the actions of a peace officer or federal law enforcement officer;

(2)  the actions of a trespasser who enters the land;

(3)  the actions of a third party who, without the landowner's, lessee's, or occupant's express or implied permission, damages a fence or gate on the land, including damage caused by a vehicle or other means; or

(4)  wildlife or an act of God.

(e)  This section does not limit the liability of an owner, lessee, or occupant of agricultural land for any damage or injury that arises from a wilful or wanton act or gross negligence by the owner, lessee, or occupant.

(f)  Following the occurrence of an event described by Subsections (b)(1)-(4), (c)(1)-(4), or (d)(1)-(4), the owner or lessee of the land on which the event occurred shall cure a resulting defect on the land, if any, in a reasonable time.

SECTION 2.  Section 75.006, Civil Practice and Remedies Code, as amended 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 as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 3.  This Act takes effect September 1, 2023.