

By: Murr, King of Uvalde, Price, Bailes,
Darby, et al.

H.B. No. 73

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

By: Vasut

C.S.H.B. No. 73

A BILL TO BE ENTITLED

AN ACT

1
2 relating to limitation of certain liability of owners, lessees, and
3 occupants of land in connection with livestock and agricultural
4 land.

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

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

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

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

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

16 (3) "Livestock" has the meaning assigned by Section
17 1.003, Agriculture Code.

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

20 (5) "Trespasser" has the meaning assigned by Section
21 75.007.

22 (b) A landowner or lessee is not liable for damages arising
23 from an incident or accident involving [~~caused by~~] livestock of the
24 landowner or lessee, regardless of whether the damage occurs on the

1 landowner's or lessee's property, due to:

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

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

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

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

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

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

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

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

27 (4) wildlife or an act of God~~[, regardless of whether~~

1 ~~the damage or injury occurs on the agricultural land].~~

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

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

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

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

16 (4) wildlife or an act of God.

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

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

25 SECTION 2. Section 75.006, Civil Practice and Remedies
26 Code, as amended by this Act, applies only to a cause of action that
27 accrues on or after the effective date of this Act. A cause of

1 action that accrues before the effective date of this Act is
2 governed by the law as it existed immediately before the effective
3 date of this Act, and that law is continued in effect for that
4 purpose.

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