

By: Murr

H.B. No. 73

A BILL TO BE ENTITLED

AN ACT

relating to landowner liability arising in connection with  
livestock or agricultural land.

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

SECTION 1. Chapter 75, Civil Practice and Remedies Code, is  
amended to read as follows:

Sec. 75.006. LIABILITY LIMITED FOR ACTIONS OF FIREFIGHTER,  
FEDERAL LAW ENFORCEMENT OFFICER, ~~OR~~ PEACE OFFICER, OR TRESPASSER.

(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 defined by Section  
75.007(a), Civil Practice and Remedies Code.

(b) A landowner or lessee is not liable for damages arising  
from any incident or accident ~~caused by~~ involving livestock of the  
landowner or lessee due to:

(1) An act or omission of a firefighter or a peace

1 officer who has entered the landowner's property with or without  
2 the permission of the landowner, regardless of whether the damage  
3 occurs on the landowner's property;

4 (2) An act or omission by a trespasser who enters the  
5 landowner's property or third party that damages the fence on the  
6 property, whether by vehicle or otherwise; or

7 (3) Due to wildlife, acts of God or by other causes  
8 beyond the control of the landowner.

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

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

17 (2) by a trespasser who enters the landowner's  
18 property or third party who damages the fence on the property,  
19 whether by vehicle or otherwise; or

20 (3) due to wildlife, acts of God or by other causes  
21 beyond the control of the landowner.

22 (d) The owner, lessee, or occupant of agricultural land is  
23 not liable for any damage or injury to any person or property that  
24 arises from the actions of an individual who, because of the actions  
25 of a peace officer or federal law enforcement officer, the actions  
26 of a trespasser who enters the landowner's property or third party  
27 who damages the fence on the property, whether by vehicle or

1 otherwise, or due to wildlife, acts of God or other causes beyond  
2 the control of the landowner, enters or causes another person to  
3 enter the agricultural land without the permission of the owner,  
4 lessee, or occupant.

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

9 SECTION 2. This Act takes effect immediately if it receives  
10 a vote of two-thirds of all the members elected to each house, as  
11 provided by Section 39, Article III, Texas Constitution. If this  
12 Act does not receive the vote necessary for immediate effect, this  
13 Act takes effect September 1, 2023.