

By: Spiller

H.B. No. 3004

A BILL TO BE ENTITLED

AN ACT

relating to work, an activity, or a function performed near a high voltage overhead line.

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

SECTION 1. Section 51.014(a), Civil Practice and Remedies Code, is amended to read as follows:

(a) A person may appeal from an interlocutory order of a district court, county court at law, statutory probate court, or county court that:

(1) appoints a receiver or trustee;

(2) overrules a motion to vacate an order that appoints a receiver or trustee;

(3) certifies or refuses to certify a class in a suit brought under Rule 42 of the Texas Rules of Civil Procedure;

(4) grants or refuses a temporary injunction or grants or overrules a motion to dissolve a temporary injunction as provided by Chapter 65;

(5) denies a motion for summary judgment that is based on an assertion of immunity by an individual who is an officer or employee of the state or a political subdivision of the state;

(6) denies a motion for summary judgment that is based in whole or in part upon a claim against or defense by a member of the electronic or print media, acting in such capacity, or a person whose communication appears in or is published by the electronic or

1 print media, arising under the free speech or free press clause of  
2 the First Amendment to the United States Constitution, or Article  
3 I, Section 8, of the Texas Constitution, or Chapter 73;

4 (7) grants or denies the special appearance of a  
5 defendant under Rule 120a, Texas Rules of Civil Procedure, except  
6 in a suit brought under the Family Code;

7 (8) grants or denies a plea to the jurisdiction by a  
8 governmental unit as that term is defined in Section 101.001;

9 (9) denies all or part of the relief sought by a motion  
10 under Section 74.351(b), except that an appeal may not be taken from  
11 an order granting an extension under Section 74.351;

12 (10) grants relief sought by a motion under Section  
13 74.351(1);

14 (11) denies a motion to dismiss filed under Section  
15 90.007;

16 (12) denies a motion to dismiss filed under Section  
17 27.003;

18 (13) denies a motion for summary judgment filed by an  
19 electric utility regarding liability in a suit subject to Section  
20 75.0022;

21 (14) denies a motion filed by a municipality with a  
22 population of 500,000 or more in an action filed under Section  
23 54.012(6) or 214.0012, Local Government Code;

24 (15) makes a preliminary determination on a claim  
25 under Section 74.353;

26 (16) overrules an objection filed under Section  
27 148.003(d) or denies all or part of the relief sought by a motion

1 under Section 148.003(f); [~~or~~]

2 (17) grants or denies a motion for summary judgment  
3 filed by a contractor based on Section 97.002; or

4 (18) grants or denies a motion for summary judgment or  
5 dismissal based on Section 752.008, Health and Safety Code.

6 SECTION 2. Section 752.001, Health and Safety Code, is  
7 amended by amending Subdivision (2) and adding Subdivision (3) to  
8 read as follows:

9 (2) "Overhead line" means:

10 (A) a bare or insulated electrical conductor  
11 installed above ground other than [~~but does not include~~] a  
12 conductor that is:

13 (i) de-energized and grounded; or

14 (ii) [~~that is~~] enclosed in a rigid metallic  
15 conduit; and

16 (B) overhead energized equipment that supports  
17 the transmission or distribution of electricity.

18 (3) "Electric utility" has the meaning assigned by  
19 Section 31.002, Utilities Code.

20 SECTION 3. Chapter 752, Health and Safety Code, is amended  
21 by adding Section 752.0015 to read as follows:

22 Sec. 752.0015. RESPONSIBLE PERSON. In this chapter, a  
23 person is considered to be responsible for work, an activity, or a  
24 function if the person:

25 (1) performs the work, activity, or function;

26 (2) employs, retains, or hires a person to perform  
27 work, an activity, or a function, including a contractor or

1 subcontractor; or

2 (3) is an employee, agent, contractor, subcontractor,  
3 or independent contractor involved in the work, activity, or  
4 function.

5 SECTION 4. Section 752.002, Health and Safety Code, is  
6 amended to read as follows:

7 Sec. 752.002. EXEMPTIONS [~~EXEMPTION FOR CERTAIN EMPLOYEES~~  
8 ~~AND ACTIVITIES~~]. (a) This chapter does not apply to the  
9 construction, reconstruction, operation, or maintenance by an  
10 authorized person of overhead electrical or communication circuits  
11 or conductors and their supporting structures and associated  
12 equipment that are part of a rail transportation system or ~~[~~ an  
13 electrical generating, transmission, or distribution system ~~, or a~~  
14 ~~communication system~~].

15 (b) In this section, "authorized person" means:

16 (1) a person directly or indirectly employed,  
17 retained, or hired by ~~[an employee of a light and power company,~~ an  
18 electric cooperative, an electric utility, or a municipality  
19 performing work, an activity, or a function on or near the  
20 cooperative's, utility's, or municipality's ~~[working on his~~  
21 ~~employer's]~~ electrical system, including a high voltage overhead  
22 line;

23 (2) an employee of a transportation system working on  
24 the system's electrical circuits;

25 (3) an employee of a communication utility;

26 (4) an employee of a state, county, or municipal  
27 agency that has authorized circuit construction on the poles or

1 structures that belong to [~~an electric power company,~~] an electric  
2 cooperative, an electric utility, a municipal or transportation  
3 system, or a communication system;

4 (5) an employee of an industrial plant who works on the  
5 plant's electrical system; or

6 (6) an employee of an electrical or communications  
7 contractor who is working under the contractor's supervision.

8 (c) Except as provided by Section 752.005, this chapter does  
9 not apply to a vehicle being operated in the normal and reasonable  
10 movement of traffic.

11 SECTION 5. Section 752.003, Health and Safety Code, is  
12 amended by amending Subsections (a), (b), and (c) and adding  
13 Subsection (e) to read as follows:

14 (a) A person [~~, firm, corporation, or association~~]  
15 responsible for temporary work, [~~or~~] a temporary activity, or a  
16 temporary function to be performed closer to a high voltage  
17 overhead line than the distances prescribed by this chapter shall  
18 [~~must~~] notify the operator of the line at least 48 hours before the  
19 work, activity, or function begins.

20 (b) A person described by Subsection (a) [~~, firm,~~  
21 ~~corporation, or association~~] may not begin the work, activity, or  
22 function [~~under this section~~] until the person [~~, firm, corporation,~~  
23 ~~or association responsible for the work, activity, or function~~] and  
24 the owner or operator, or both, of the high voltage overhead line  
25 have negotiated a satisfactory mutual arrangement to provide  
26 temporary de-energization and grounding, temporary relocation or  
27 raising of the line, or temporary mechanical barriers to separate

1 and prevent contact between the line and the material or equipment  
2 or the person performing the work, activity, or function. If more  
3 than one person is responsible for the work, activity, or function,  
4 a representative of all the responsible persons may negotiate the  
5 arrangement.

6 (c) A [~~The~~] person described by Subsection (a) [~~, firm,~~  
7 ~~corporation, or association responsible for the work, activity, or~~  
8 ~~function~~] shall pay the operator of the high voltage overhead line  
9 the actual expense incurred by the operator in providing the  
10 clearance prescribed in the agreement. The operator may require  
11 payment in advance and is not required to provide the clearance  
12 until the person [~~, firm, corporation, or association responsible~~  
13 ~~for the work, activity, or function~~] makes the payment.

14 (e) Each person responsible for the work, activity, or  
15 function under this section shall ensure that the requirements of  
16 this section are complete before beginning the work, activity, or  
17 function.

18 SECTION 6. Section 752.004, Health and Safety Code, is  
19 amended to read as follows:

20 Sec. 752.004. RESTRICTION ON ACTIVITIES NEAR LINES. (a)  
21 Unless a person responsible for work, an activity, or a function  
22 described by Section 752.003 [~~, firm, corporation, or association~~]  
23 effectively guards against danger by contact with the line as  
24 prescribed by Section 752.003, the person [~~, firm, corporation, or~~  
25 ~~association, either individually or through an agent or employee,~~]  
26 may not perform any work, [a function or] activity, or function on  
27 land, a building, a highway, or other premises if at any time it is

1 possible that the person [~~performing the function or activity~~] may:

2 (1) move or be placed within 10 [~~six~~] feet of a high  
3 voltage overhead line while performing the work, [~~function or~~]  
4 activity, or function; or

5 (2) move [~~bring~~] any part of an object [~~a tool,~~  
6 ~~equipment, machine,~~] or material within 10 [~~six~~] feet of a high  
7 voltage overhead line while performing the work, activity, or  
8 function, regardless of whether the object or material was already  
9 within 10 feet of the high voltage overhead line before the work,  
10 activity, or function began [~~the function or activity~~].

11 (b) A person responsible for the work, activity, or  
12 function [~~, firm, corporation, or association~~] may not require an  
13 employee, agent, subcontractor, or independent contractor to  
14 perform any work, [~~a function or~~] activity, or function prohibited  
15 by Subsection (a).

16 SECTION 7. Section 752.005, Health and Safety Code, is  
17 amended to read as follows:

18 Sec. 752.005. RESTRICTION ON OPERATION OF MACHINERY AND  
19 PLACEMENT OF STRUCTURES NEAR LINES. Unless a person responsible  
20 for work, an activity, or a function described by Section 752.003 [~~,~~  
21 ~~firm, corporation, or association~~] effectively guards against  
22 danger by contact with the line as prescribed by Section 752.003,  
23 the person [~~, firm, corporation, or association, either~~  
24 ~~individually or through an agent or employee,~~] may not:

25 (1) erect, install, transport, or store all or any  
26 part of a house, building, or other structure within 10 [~~six~~] feet  
27 of a high voltage overhead line;

1           (2) install, operate, transport, handle, or store all  
2 or any part of a tool, machine, or equipment within 10 [~~six~~] feet of  
3 a high voltage overhead line; or

4           (3) transport, handle, move, or store all or any part  
5 of any object [~~supplies~~] or materials within 10 [~~six~~] feet of a high  
6 voltage overhead line.

7           SECTION 8. Section 752.007(a), Health and Safety Code, is  
8 amended to read as follows:

9           (a) A person [~~, firm, corporation, or association or an~~  
10 ~~agent or employee of a person, firm, corporation, or association~~]  
11 commits an offense if the person[~~, firm, corporation, association,~~  
12 ~~agent, or employee~~] violates this chapter.

13           SECTION 9. Section 752.008, Health and Safety Code, is  
14 amended to read as follows:

15           Sec. 752.008. LIABILITY FOR DAMAGES. If a violation of this  
16 chapter results in physical or electrical contact with a high  
17 voltage overhead line, all persons responsible for the work,  
18 activity, or function:

19           (1) are jointly and severally [~~the person, firm,~~  
20 ~~corporation, or association that committed the violation is~~] liable  
21 to the owner or operator of the line for all damages to the  
22 facilities and for all liability that the owner or operator incurs  
23 as a result of the contact, including all defense and  
24 indemnification costs; and

25           (2) are barred from recovery of damages in tort from  
26 the owner or operator of the line for any injuries or damages  
27 associated with the contact.



1           SECTION 10. The changes in law made by this Act apply only  
2 to a cause of action that accrues on or after the effective date of  
3 this Act. A cause of action that accrued before the effective date  
4 of this Act is governed by the law as it existed immediately before  
5 the effective date of this Act, and that law is continued in effect  
6 for that purpose.

7           SECTION 11. This Act takes effect immediately if it  
8 receives a vote of two-thirds of all the members elected to each  
9 house, as provided by Section 39, Article III, Texas Constitution.  
10 If this Act does not receive the vote necessary for immediate  
11 effect, this Act takes effect September 1, 2025.