

By: Hinojosa

S.B. No. 1417

A BILL TO BE ENTITLED

AN ACT

relating to the limitation of liability of certain landowners.

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

SECTION 1. The heading to Section 75.006, 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.

SECTION 2. Section 75.006, Civil Practice and Remedies Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(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) [~~(2)~~] "Livestock" has the meaning assigned by Section 1.003, Agriculture Code.

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

(c) A landowner is not liable for any damages or injury to any person or property that arises from the actions of a peace officer or federal law enforcement officer when such officer enters or causes another person to enter the landowner's property with or

1 without the landowner's permission. A landowner is not liable for  
2 such damages or injury regardless of whether the damages or injury  
3 occurs on the landowner's property.

4 (d) A landowner is not liable for any damages or injury to  
5 any person or property that arises from the actions of an individual  
6 who, because of the actions of a peace officer or federal law  
7 enforcement officer, enters or causes another person to enter the  
8 landowner's property without the landowner's permission.

9 SECTION 3. Subsection (a), Section 75.002, Civil Practice  
10 and Remedies Code, is amended to read as follows:

11 (a) An owner, lessee, or occupant of agricultural land or  
12 real property other than agricultural land:

13 (1) does not owe a duty of care to a trespasser on the  
14 property [~~land~~]; and

15 (2) is not liable for any injury to a trespasser on the  
16 property [~~land~~], except for wilful or wanton acts or gross  
17 negligence by the owner, lessee, or other occupant of the property  
18 [~~agricultural land~~].

19 SECTION 4. The change in law made by this Act applies only  
20 to an act or omission that occurs on or after the effective date of  
21 this Act. An act or omission that occurred before the effective  
22 date of this Act is governed by the law in effect immediately before  
23 the effective date of this Act, and the former law is continued in  
24 effect for that purpose.

25 SECTION 5. This Act takes effect September 1, 2011.