

1-1 By: Murr, et al. (Senate Sponsor - Springer) H.B. No. 73
 1-2 (In the Senate - Received from the House April 18, 2023;
 1-3 May 4, 2023, read first time and referred to Committee on State
 1-4 Affairs; May 15, 2023, reported favorably by the following vote:
 1-5 Yeas 10, Nays 0; May 15, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14			X	
1-15	X			
1-16	X			
1-17	X			
1-18	X			

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to limitation of certain liability of owners, lessees, and
 1-22 occupants of land in connection with livestock and agricultural
 1-23 land.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 75.006, Civil Practice and Remedies
 1-26 Code, is amended to read as follows:

1-27 Sec. 75.006. CERTAIN LIABILITY LIMITED IN CONNECTION WITH
 1-28 LIVESTOCK OR AGRICULTURAL LAND [~~FOR ACTIONS OF FIREFIGHTER, FEDERAL~~
 1-29 ~~LAW ENFORCEMENT OFFICER, OR PEACE OFFICER~~]. (a) In this section:

1-30 (1) "Federal law enforcement officer" means a law
 1-31 enforcement officer as defined by 5 U.S.C. Section 8331(20).

1-32 (2) "Firefighter" means a member of a fire department
 1-33 who performs a function listed in Section 419.021(3)(C), Government
 1-34 Code.

1-35 (3) "Livestock" has the meaning assigned by Section
 1-36 1.003, Agriculture Code.

1-37 (4) "Peace officer" has the meaning assigned by
 1-38 Section 1.07, Penal Code, or other state or federal law.

1-39 (5) "Trespasser" has the meaning assigned by Section
 1-40 75.007.

1-41 (b) A landowner or lessee is not liable for damages arising
 1-42 from an incident or accident involving [~~caused by~~] livestock of the
 1-43 landowner or lessee, regardless of whether the damage occurs on the
 1-44 landowner's or lessee's property, due to:

1-45 (1) an act or omission of a firefighter or a peace
 1-46 officer who has entered the landowner's or lessee's property with or
 1-47 without the permission of the landowner or lessee;

1-48 (2) an act or omission of a trespasser who enters the
 1-49 landowner's or lessee's property;

1-50 (3) an act or omission of a third party who enters the
 1-51 landowner's or lessee's property without the landowner's or
 1-52 lessee's express or implied permission and damages a fence or gate
 1-53 on the property, including damage caused by a vehicle or other
 1-54 means; or

1-55 (4) wildlife or an act of God [~~, regardless of whether~~
 1-56 ~~the damage occurs on the landowner's property~~].

1-57 (c) An owner, lessee, or occupant of agricultural land is
 1-58 not liable for any damage or injury to any person or property,
 1-59 regardless of whether the damage or injury occurs on the land, that
 1-60 arises from:

1-61 (1) the actions of a peace officer or federal law

2-1 enforcement officer when the officer enters or causes another
2-2 person to enter the agricultural land with or without the
2-3 permission of the owner, lessee, or occupant;

2-4 (2) the actions of a trespasser who enters the land;

2-5 (3) the actions of a third party who enters the land
2-6 without the landowner's, lessee's, or occupant's express or implied
2-7 permission and damages a fence or gate on the land, including damage
2-8 caused by a vehicle or other means; or

2-9 (4) wildlife or an act of God~~[, regardless of whether~~
2-10 ~~the damage or injury occurs on the agricultural land].~~

2-11 (d) The owner, lessee, or occupant of agricultural land is
2-12 not liable for any damage or injury to any person or property that
2-13 arises from the actions of an individual who~~[, because of the~~
2-14 ~~actions of a peace officer or federal law enforcement officer,~~
2-15 enters or causes another person to enter the agricultural land
2-16 without the permission of the owner, lessee, or occupant because
2-17 of:

2-18 (1) the actions of a peace officer or federal law
2-19 enforcement officer;

2-20 (2) the actions of a trespasser who enters the land;

2-21 (3) the actions of a third party who, without the
2-22 landowner's, lessee's, or occupant's express or implied permission,
2-23 damages a fence or gate on the land, including damage caused by a
2-24 vehicle or other means; or

2-25 (4) wildlife or an act of God.

2-26 (e) This section does not limit the liability of an owner,
2-27 lessee, or occupant of agricultural land for any damage or injury
2-28 that arises from a wilful or wanton act or gross negligence by the
2-29 owner, lessee, or occupant.

2-30 (f) Following the occurrence of an event described by
2-31 Subsections (b)(1)-(4), (c)(1)-(4), or (d)(1)-(4), the owner or
2-32 lessee of the land on which the event occurred shall cure a
2-33 resulting defect on the land, if any, in a reasonable time.

2-34 SECTION 2. Section 75.006, Civil Practice and Remedies
2-35 Code, as amended by this Act, applies only to a cause of action that
2-36 accrues on or after the effective date of this Act. A cause of
2-37 action that accrues before the effective date of this Act is
2-38 governed by the law as it existed immediately before the effective
2-39 date of this Act, and that law is continued in effect for that
2-40 purpose.

2-41 SECTION 3. This Act takes effect September 1, 2023.

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