

BILL ANALYSIS

C.S.H.B. 750
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, there are limits on the liability of a Texas landowner who allows others to use his or her land for certain recreational activities such as hunting or fishing, but it has been noted that these limits do not apply to recreational aviation activities. Interested parties contend that many private airfield owners would welcome the opportunity to allow planes flown for recreational purposes to land on their airfields, but the owners are hesitant to allow public access because of concerns of liability for incidents that occur on their land. In an effort to increase the recreational use of airplanes across Texas and the accompanying economic activity such use generates, C.S.H.B. 750 seeks to limit the liability of private landowners who allow public use of their property for recreational aviation activities.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 750 amends the Civil Practice and Remedies Code to add to the definition of "recreation," for purposes of statutory provisions relating to limitation of landowners' liability, recreational aviation activities occurring on or above land the owner, lessee, or occupant of which is not a governmental unit; that is not held open to the public for recreational aviation activities by the owner, lessee, or occupant of the land; and for the use of which the owner, lessee, or occupant of the land does not charge. The bill defines "recreational aviation activities" for those same purposes as the recreational operation or use of an airplane or other aircraft, including the taxiing, handling, taking off, parking, flying, or landing of the airplane or other aircraft.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 750 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 75.001, Civil Practice and Remedies Code, is amended by adding Subdivision (1-a) and amending Subdivision (3) to read as follows:

(1-a) "Aviation activities" means the operation, including taxiing, handling, taking off, flying, or landing, of an airplane or other aircraft.

- (3) "Recreation" means an activity such as:
 - (A) hunting;
 - (B) fishing;
 - (C) swimming;
 - (D) boating;
 - (E) camping;
 - (F) picnicking;
 - (G) hiking;
 - (H) pleasure driving, including off-road motorcycling and off-road automobile driving and the use of all-terrain vehicles;
 - (I) nature study, including bird-watching;
 - (J) cave exploration;
 - (K) waterskiing and other water sports;
 - (L) any other activity associated with enjoying nature or the outdoors;
 - (M) bicycling and mountain biking;
 - (N) disc golf;
 - (O) on-leash and off-leash walking of dogs; [ø]
 - (P) radio control flying and related activities; or
 - (Q) aviation activities in connection with the use of a landing or takeoff area:
 - (i) that is listed in the Federal Aviation Administration's airport database with an FAA Form 5010 Airport Master Record Form;
 - (ii) located on land the owner, lessee, or occupant of which is not a governmental unit;
 - (iii) held open to the public for aviation activities by the owner, lessee, or occupant of the land on which the landing or takeoff area is located; and
 - (iv) for the use of which the owner, lessee, or occupant of the land does not charge.

SECTION 2. The change in law made by this Act applies only to a cause of action

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 75.001, Civil Practice and Remedies Code, is amended by amending Subdivision (3) and adding Subdivision (3-a) to read as follows:

(3-a) "Recreational aviation activities" means the recreational operation or use of an airplane or other aircraft, including the taxiing, handling, taking off, parking, flying, or landing of the airplane or other aircraft.

- (3) "Recreation" means an activity such as:
 - (A) hunting;
 - (B) fishing;
 - (C) swimming;
 - (D) boating;
 - (E) camping;
 - (F) picnicking;
 - (G) hiking;
 - (H) pleasure driving, including off-road motorcycling and off-road automobile driving and the use of all-terrain vehicles;
 - (I) nature study, including bird-watching;
 - (J) cave exploration;
 - (K) waterskiing and other water sports;
 - (L) any other activity associated with enjoying nature or the outdoors;
 - (M) bicycling and mountain biking;
 - (N) disc golf;
 - (O) on-leash and off-leash walking of dogs; [ø]
 - (P) radio control flying and related activities; or
 - (Q) recreational aviation activities occurring on or above land:
 - (i) the owner, lessee, or occupant of which is not a governmental unit;
 - (ii) that is not held open to the public for recreational aviation activities by the owner, lessee, or occupant of the land; and
 - (iii) for the use of which the owner, lessee, or occupant of the land does not charge.

SECTION 2. Same as introduced version.

that accrues on or after the effective date of this Act. A cause of action that accrues before the effective date of this Act is governed by the law applicable to the cause of action immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2015.

SECTION 3. Same as introduced version.