

BILL ANALYSIS

Senate Research Center

H.B. 2664
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Jurisprudence
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Engrossed

DIGEST

Currently, Chapter 75 of the Civil Practice and Remedies Code, as amended by H.B. 2085 (74th Legislature), limits the liability of agricultural landowners who lease their land for recreational purposes. Some attorneys have used the amendments of H.B. 2085 to Chapter 75, Civil Practice and Remedies Code, to limit the liability of individuals in cases which involve neither agricultural land nor recreational use of such land. This bill would amend Chapter 75, Civil Practice and Remedies Code, to clarify the limited liability granted to occupants of agricultural land used for recreation purposes.

PURPOSE

As proposed, H.B. 2664 revises the liability of an occupant of agricultural land who invites another to enter the premises for recreation.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 75.001(3), Civil Practice and Remedies Code, to include within the definition of "recreation," nature study, including bird-watching, and any other activity associated with enjoying nature or the outdoors. Makes conforming and nonsubstantive changes.

SECTION 2. Amends Section 75.002(b), Civil Practice and Remedies Code, to provide that if an owner, lessee, or occupant of agricultural land, among other actions, invites another to enter the premises for recreation, the owner, lessee, or occupant, by giving the permission, does not, among other items, owe to the person to whom the invitation is extended a greater degree of care than is owed to a trespasser on the premises; or assume responsibility or incur liability for any injury to any individual or property caused by any act of the person to whom the invitation is extended.

SECTION 3. Amends Section 75.003, Civil Practice and Remedies Code, by amending Subsection (c) and by adding Subsection (h), as follows:

(c) Provides that this chapter, except for a governmental unit, applies only to an owner, lessee, or occupant of real property who, among other items, charges for entry to the premises, but whose total charges collected in the previous calendar year for all recreational use of the entire premises of the owner, lessee, or occupant are not more than, among other items, four times the total amount of ad valorem taxes imposed on the premises for the previous calendar year, in the case of agricultural land. Makes conforming changes.

(h) Provides that in the case of agricultural land, an owner, lessee, or occupant of real property who does not charge for entry to the premises because the individuals entering the premises for recreation are invited social guests satisfies the requirement of Subsection (c)(1).

SECTION 4. Amends Sections 75.004(a) and (b), Civil Practice and Remedies Code, as follows:

(a) Provides that subject to Subsection (b), the liability of an occupant of agricultural land

used for recreational purposes, among others, for an act or omission by the occupant relating to the premises that results in damages to a person who has entered the premises is limited to a maximum amount of \$500,000 for each person and \$1 million for each single occurrence of bodily injury or death and \$100,000 for each single occurrence for injury to or destruction of property. Provides that in the case of agricultural land, the total liability of an owner, lessee, or occupant for a single occurrence is limited to \$1 million, and the liability also is subject to the limits for each single occurrence of bodily injury or death and each single occurrence for injury to or destruction of property stated in this subsection.

(b) Authorizes the limit of liability insurance coverage applicable with respect to agricultural land to be a combined single limit in the amount of \$1 million for each single occurrence. Makes conforming changes.

SECTION 5. Effective date: September 1, 1997.
Makes application of this Act prospective.

SECTION 6. Emergency clause.