

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 947
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Business & Commerce
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Public hike and bike trails provide many benefits, including supplementing transportation infrastructure, reducing congestion, connecting communities, and encouraging a healthy lifestyle. However, acquiring real estate in an urban area that is suitable for development of hike and bike trails can be both difficult and expensive. By utilizing an electric utility's property, miles of public hike and bike trails can be constructed at virtually no cost for land.

Current law imposes tort liability against electric utilities for events that occur in an utility's right-of-way.

The 83rd Legislature, Regular Session, 2013, passed H.B. 200, relating to the liability of electric utilities in Harris County that allow a city to use the utility's right-of-way for recreational purposes. Specifically, H.B. 200 established limitations on the liability of certain electric utilities that allow public use of the utility's property for recreation and certain other purposes.

S.B. 947 extends the limitation of liability established by H.B. 200, 83rd Legislature, Regular Session, 2013, statewide, rather than simply to those counties surrounding Harris County. (Original Author's / Sponsor's Statement of Intent)

C.S.S.B. 947 amends current law relating to liability of certain electric utilities that allow certain uses of land that the electric utility owns, occupies, or leases.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 75.007(e), Civil Practice and Remedies Code, to delete existing text providing that this section (Trespassers) does not affect Section 75.0021 or create or increase the liability of any person.

SECTION 2. Repealers: Sections 75.0021 (Limited Liability of Certain Public Utilities) and 75.0022(b) (relating to this section applying only to an electric utility located in a county with a population of four million or more), Civil Practice and Remedies Code.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: upon passage or September 1, 2017.