

BILL ANALYSIS

Senate Research Center

C.S.S.B. 1180
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Jurisprudence
4-8-97
Committee Report (Substituted)

DIGEST

Currently, a firefighter or police officer who enters a premises to perform his or her duties is considered a licensee in determining liability in a civil cause of action. The protection extended to a licensee by owners or occupiers is to not willfully, wantonly, or through gross negligence injure the licensee. This bill will provide that a firefighter or police officer who enters a premises to perform the firefighter's or police officer's duties is considered a business invitee in determining liability in a civil cause of action.

PURPOSE

As proposed, C.S.S.B. 1180 provides that a firefighter or police officer who enters a premises to perform their duties is considered a business invitee in determining liability in a civil cause of action.

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 the heading to Chapter 78, Civil Practice and Remedies Code, as follows:

CHAPTER 78. FIREFIGHTERS AND POLICE OFFICERS

SECTION 2. Redesignates Section 78.001, Civil Practice and Remedies Code, to designate it as Subchapter A, Chapter 78, Civil Practice and Remedies Code, and adds a heading to that subchapter, as follows:

SUBCHAPTER A. DAMAGE TO PROPERTY

SECTION 3. Amends Chapter 78, Civil Practice and Remedies Code, by adding Subchapter B, as follows:

SUBCHAPTER B. DUTY OWED TO FIREFIGHTER OR POLICE OFFICER

Sec. 78.051. DUTY OF OWNER, LESSEE, OR OCCUPANT. Provides that for purposes of determining liability in a civil cause of action, an owner, lessee, or occupant of real property owes the same duty of care to fire protection personnel as defined by Section 419.021, Government Code, a volunteer firefighter, or a peace officer as defined by Article 2.12, Code of Criminal Procedure, that the owner, lessee, or occupant owes to a business invitee.

SECTION 4. Effective date: September 1, 1997.
Makes application of this Act prospective.

SECTION 5. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Deletes proposed SECTION 1.

Amends Chapter 78, Civil Practice and Remedies Code, to amend the heading.

SECTION 2.

Deletes proposed SECTION 2.

Amends Section 78.001, Civil Practice and Remedies Code, to designate it as Subchapter A, Chapter 78, Civil Practice and Remedies Code, and to add a heading.

SECTION 3.

Adds Subchapter B, Chapter 78, Civil Practice and Remedies Code, to set forth the duty of care owed to a firefighter or a police officer.