

BILL ANALYSIS

Senate Research Center
87R16933 SCL-D

H.B. 222
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Jurisprudence
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In Texas, prescribed burn organizations provide training and resources for members of the public who are conducting prescribed burn activities separate from organizational burns. In common practice, prescribed burns are executed by the person that is named as the "burn boss" or "burn director" on the written burn plan. Given that a burn boss acts as their own entity even though they may be listed as part of a prescribed burn organization, there have been calls to provide for a limitation on the liability of burn bosses in connection with certain prescribed burns.

H.B. 222 amends current law relating to liability of burn bosses in connection with certain prescribed burns.

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 Subchapter C, Chapter 153, Natural Resources Code, by adding Section 153.084, as follows:

Sec. 153.084. LIMITATION OF BURN BOSS LIABILITY. (a) Defines "burn boss."

(b) Provides that, except as provided by Subsection (c), a burn boss is not liable for property damage, personal injury, or death caused by or resulting from the burn in excess of the insurance requirements established by the Prescribed Burning Board (board) for certified and insured prescribed burn managers under Section 153.046 (Duties) if the burn boss:

(1) has completed an accredited prescribed burning training course approved by the board;

(2) has satisfied the minimum experience requirements prescribed by the board; and

(3) has liability insurance coverage equal to or in excess of the amounts provided by Section 153.082(1) (relating to providing that the limitation on liability does not apply to an owner, lessee, or occupant of agricultural or conservation land unless the burn is conducted under the supervision of a certified and insured prescribed burn manager who has certain liability insurance coverage).

(c) Provides that this section does not apply to a burn boss who commits gross negligence or intentionally causes property damage, personal injury, or death.

SECTION 2. Provides that Section 153.084, Natural Resources Code, as added by this Act, applies only to a cause of action that accrues on or after the effective date of this Act.

SECTION 3. Effective date: September 1, 2021.