

BILL ANALYSIS

Senate Research Center

H.B. 1602
By: Kamel (Ratliff)
Jurisprudence
4-18-97
Engrossed

DIGEST

A dry fire hydrant is a non-pressurized pipe installed at a pond, lake, water storage tank, or irrigation well. This type of hydrant provides fire departments with a ready source of water in the rural areas of Texas. This bill would provide that a property owner, lessee, or occupant is not liable for damages for personal injury, death, or injury to or destruction of property arising from the usage of a dry fire hydrant. Additionally, this bill would provide that a dry hydrant agreement between a property owner, lessee, or occupant and a fire-fighting agency is not binding on a subsequent property owner, lessee, or occupant.

PURPOSE

As proposed, H.B. 1602 provides that a property owner, lessee, or occupant is not liable for damages for personal injury, death, or injury to or destruction of property arising from the usage of a dry fire hydrant. Additionally, this bill provides that a dry fire hydrant agreement between a property owner, lessee, or occupant and a fire-fighting agency is not binding to a subsequent property owner, lessee, or occupant.

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 Title 4, Civil Practice and Remedies Code, by adding Chapter 98, as follows:

CHAPTER 98. DRY FIRE HYDRANTS

Sec. 98.001. DEFINITIONS. Defines "dry fire hydrant" and "fire-fighting agency."

Sec. 98.002. IMMUNITY FROM LIABILITY. Provides that an owner, lessee, or occupant of real property who permits a fire-fighting agency to connect a dry fire hydrant to a source of water on the property or to install a dry fire hydrant on the property is not liable for damages for personal injury, death, or injury to or destruction of property arising from installation or connection of the dry fire hydrant or maintenance or use of the dry fire hydrant; a fire with respect to which the dry fire hydrant is used; or the failure of the water source to contain an adequate supply of water during a fire. Provides that this section does not apply to damages arising from an act or omission that is intentional, wilfully or wantonly negligent, or done with conscious indifference or reckless disregard for the safety of others.

Sec. 98.003. AGREEMENT IS PERSONAL. Prohibits an agreement between an owner, lessee, or occupant of real property and a fire-fighting agency relating to the connection of a dry fire hydrant to a source of water on the property or the installation of a dry fire hydrant on the property from binding a subsequent owner, lessee, or occupant of the real property.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 1997.

SECTION 5. Emergency clause.