

By: Callegari

H.B. No. 3248

A BILL TO BE ENTITLED

AN ACT

relating to liability of the state and certain political subdivisions for certain recreational activities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 75.002(e), (f), and (g), Civil Practice and Remedies Code, are amended to read as follows:

(e) In this section, "recreation" means, in addition to its meaning under Section 75.001, the following activities only if the activities take place in or on an indoor or outdoor ~~[inside a]~~ facility owned, operated, or maintained by the state or a municipality or county:

(1) hockey and in-line hockey; and

(2) skating, in-line skating, roller-skating, skateboarding, and roller-blading.

(f) This section ~~[Subsection (e)]~~ limits the liability of the state or a municipality or county only for those damages arising directly from a recreational activity described in Subsection (e) but does not limit the liability of the state or a municipality or county for gross negligence or acts conducted in bad faith or with malicious intent.

(g) Any facility that the state or a municipality or county ~~[that]~~ owns, operates, or maintains and ~~[a facility]~~ in which the recreational activities described in Subsection (e) are conducted shall post and maintain a clearly readable sign in a clearly visible

1 location on or near the facility ~~[building]~~. The sign shall contain  
2 the following warning language:

3 WARNING

4 TEXAS LAW (CHAPTER 75, CIVIL PRACTICE AND REMEDIES CODE) LIMITS THE  
5 LIABILITY OF THE STATE AND A MUNICIPALITY OR COUNTY FOR DAMAGES  
6 ARISING DIRECTLY FROM HOCKEY, IN-LINE HOCKEY, SKATING, IN-LINE  
7 SKATING, SKATEBOARDING, OR ROLLER-BLADING IN OR ON A FACILITY THAT  
8 THE STATE OR THE MUNICIPALITY OR COUNTY OWNS, OPERATES, OR  
9 MAINTAINS [~~A FACILITY IN WHICH HOCKEY, IN-LINE HOCKEY, SKATING,~~  
10 ~~IN-LINE SKATING, ROLLER-SKATING, SKATEBOARDING, OR ROLLER-BLADING~~  
11 ~~ARE CONDUCTED FOR DAMAGES ARISING DIRECTLY FROM SUCH RECREATIONAL~~  
12 ~~ACTIVITIES]~~.

13 SECTION 2. This Act applies only to a cause of action that  
14 accrues on or after the effective date of this Act. A cause of  
15 action that accrues before the effective date of this Act is  
16 governed by the law in effect immediately before that date, and that  
17 law is continued in effect for that purpose.

18 SECTION 3. This Act takes effect September 1, 2003.