

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 on premises ~~[inside a facility]~~ owned, operated, or maintained by the state or a municipality or county ~~for the purposes of those activities~~:

(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 premises the state or a municipality or county ~~[that]~~ owns, operates, or maintains and on ~~[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 premises [~~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, ROLLER-SKATING, SKATEBOARDING, OR ROLLER-BLADING ON
8 PREMISES THAT THE STATE OR THE MUNICIPALITY OR COUNTY OWNS,
9 OPERATES, OR MAINTAINS FOR THAT PURPOSE [~~A FACILITY IN WHICH~~
10 ~~HOCKEY, IN-LINE HOCKEY, SKATING, IN-LINE SKATING, ROLLER-SKATING,~~
11 ~~SKATEBOARDING, OR ROLLER-BLADING ARE CONDUCTED FOR DAMAGES ARISING~~
12 ~~DIRECTLY FROM SUCH RECREATIONAL 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.

H.B. No. 3248

President of the Senate

Speaker of the House

I certify that H.B. No. 3248 was passed by the House on May 10, 2003, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 3248 on May 23, 2003, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 3248 was passed by the Senate, with amendments, on May 22, 2003, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor