

1-1 By: Callegari (Senate Sponsor - Lindsay) H.B. No. 3248  
1-2 (In the Senate - Received from the House May 12, 2003;  
1-3 May 13, 2003, read first time and referred to Committee on  
1-4 Administration; May 20, 2003, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;  
1-6 May 20, 2003, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 3248 By: Wentworth

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to liability of the state and certain political  
1-11 subdivisions for certain recreational activities.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Sections 75.002(e), (f), and (g), Civil Practice  
1-14 and Remedies Code, are amended to read as follows:

1-15 (e) In this section, "recreation" means, in addition to its  
1-16 meaning under Section 75.001, the following activities only if the  
1-17 activities take place on premises ~~[inside a facility]~~ owned,  
1-18 operated, or maintained by the state or a municipality or county for  
1-19 the purposes of those activities:

1-20 (1) hockey and in-line hockey; and

1-21 (2) skating, in-line skating, roller-skating,  
1-22 skateboarding, and roller-blading.

1-23 (f) This section ~~[Subsection (e)]~~ limits the liability of  
1-24 the state or a municipality or county only for those damages arising  
1-25 directly from a recreational activity described in Subsection (e)  
1-26 but does not limit the liability of the state or a municipality or  
1-27 county for gross negligence or acts conducted in bad faith or with  
1-28 malicious intent.

1-29 (g) Any premises the state or a municipality or county  
1-30 ~~[that]~~ owns, operates, or maintains and on ~~[a facility in]~~ which the  
1-31 recreational activities described in Subsection (e) are conducted  
1-32 shall post and maintain a clearly readable sign in a clearly visible  
1-33 location on or near the premises ~~[building]~~. The sign shall contain  
1-34 the following warning language:

1-35 WARNING

1-36 TEXAS LAW (CHAPTER 75, CIVIL PRACTICE AND REMEDIES CODE) LIMITS THE  
1-37 LIABILITY OF THE STATE AND A MUNICIPALITY OR COUNTY FOR DAMAGES  
1-38 ARISING DIRECTLY FROM HOCKEY, IN-LINE HOCKEY, SKATING, IN-LINE  
1-39 SKATING, ROLLER-SKATING, SKATEBOARDING, OR ROLLER-BLADING ON  
1-40 PREMISES THAT THE STATE OR THE MUNICIPALITY OR COUNTY OWNS,  
1-41 OPERATES, OR MAINTAINS FOR THAT PURPOSE ~~[A FACILITY IN WHICH~~  
1-42 ~~HOCKEY, IN-LINE HOCKEY, SKATING, IN-LINE SKATING, ROLLER-SKATING,~~  
1-43 ~~SKATEBOARDING, OR ROLLER-BLADING ARE CONDUCTED FOR DAMAGES ARISING~~  
1-44 ~~DIRECTLY FROM SUCH RECREATIONAL ACTIVITIES]~~.

1-45 SECTION 2. This Act applies only to a cause of action that  
1-46 accrues on or after the effective date of this Act. A cause of  
1-47 action that accrues before the effective date of this Act is  
1-48 governed by the law in effect immediately before that date, and that  
1-49 law is continued in effect for that purpose.

1-50 SECTION 3. This Act takes effect September 1, 2003.

1-51 \* \* \* \* \*