

By: Lindsay, Janek

S.B. No. 1205

A BILL TO BE ENTITLED

AN ACT

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

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

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

6 (e) In this section, "recreation" means, in addition to its  
7 meaning under Section 75.001, the following activities only if the  
8 activities take place on premises [~~inside a facility~~] owned,  
9 operated, or maintained by the state or a municipality or county for  
10 the purposes of those activities:

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

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

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

20 (g) Any premises the state or a municipality or county  
21 [~~that~~] owns, operates, or maintains and on [~~a facility in~~] which the  
22 recreational activities described in Subsection (e) are conducted  
23 shall post and maintain a clearly readable sign in a clearly visible  
24

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)  
5 LIMITS THE LIABILITY OF THE STATE AND A MUNICIPALITY OR COUNTY FOR  
6 DAMAGES ARISING DIRECTLY FROM HOCKEY, IN-LINE HOCKEY, SKATING,  
7 IN-LINE SKATING, ROLLER-SKATING, SKATEBOARDING, OR ROLLER-BLADING  
8 ON 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.