

By: Lindsay

S.B. No. 1205

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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 facility that the state or a municipality or county
21 [~~that~~] owns, operates, or maintains and [~~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 location on or near the building. The sign shall contain the

1 following warning language:

2 WARNING

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

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

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