

1-1 By: Lindsay, Janek S.B. No. 1205
1-2 (In the Senate - Filed March 12, 2003; March 19, 2003, read
1-3 first time and referred to Committee on State Affairs;
1-4 May 12, 2003, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 5, Nays 0; May 12, 2003,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1205 By: Ellis

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. Subsections (e), (f), and (g), Section 75.002,
1-14 Civil Practice 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)
1-37 LIMITS THE LIABILITY OF THE STATE AND A MUNICIPALITY OR COUNTY FOR
1-38 DAMAGES ARISING DIRECTLY FROM HOCKEY, IN-LINE HOCKEY, SKATING,
1-39 IN-LINE SKATING, ROLLER-SKATING, SKATEBOARDING, OR ROLLER-BLADING
1-40 ON 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 * * * * *