

## **BILL ANALYSIS**

C.S.H.B. 616  
By: Callegari  
Civil Practices  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Currently, there is limited liability for damages that arise directly from hockey, in-line hockey, skating, in-line skating, roller-skating, skateboarding, and other recreational activities on premises that are owned by a state, municipality, or county.

C.S.H.B. 616 extends this limited liability to bicycling, bicycle motocross, and soapbox derby races to governmental units.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

CSHB 616 amends Section 75.001(3), Civil Practice and Remedies Code, to include bicycling or bicycle motocrossing in the definition of "recreation". Further, it amends Section 75.002, Civil Practice and Remedies Code, to provide for limited liability for damages that arise directly from soapbox derby use on premises that are owned by a governmental unit. Specifies that a person entering premises owned, operated, or maintained by a governmental unit is afforded no greater degree of care than a trespasser on the premises. Requires that warning signs be posted on or near any premises a governmental unit owns, operates or maintains on which the recreational activities are conducted specify that such government have limited liability protection for damages arising out of soap box derby use.

### **EFFECTIVE DATE**

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2005.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

CSHB 616 adds bicycling or bicycle motocrossing to the definition of "recreation" in Section 75.001(3), Civil Practice and Remedies Code. It amends Section 75.002 (e), (f), and (g) to add soap box derby use to the definition of "recreation" for activities that take place on premises owned, operated or maintained by a governmental unit. It replaces references to state, municipal, or county governments with term "governmental unit", and adds language stating that a person entering premises owned, operated, or maintained by a governmental unit is owed no greater degree of care than is owed to a trespasser. Changes reference to soap box derby racing to soap box derby use.