

BILL ANALYSIS

C.S.H.B. 2070
By: Rose
Civil Practices
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, Chapter 75, Civil Practice and Remedies Code, limits the liability of landowners with respect to certain recreational activities conducted on their land. The definition of "recreation" in this Chapter includes hunting, fishing, swimming, boating, camping, picnicking, hiking, pleasure driving, nature study, including bird-watching, cave exploration, waterskiing and other water sports, and any other activity associated with enjoying nature or the outdoors. The State, municipalities, and counties enjoy an added level of protection for recreation that includes hockey and in-line hockey, and skating, in-line skating, roller-skating, skateboarding, and roller-blading to the extent that these activities occur on premises owned, operated, or maintained by the state, by a municipality, or by a county.

CSHB 2070 adds activities to the definition of "recreation" provided in Chapter 75, Civil Practice and Remedies Code. Further, CSHB 2070 extends the level of protection to "a governmental unit", not just the state, a county or a municipality, in Section 75.002, Civil Practices and Remedies Code.

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 2070 amends Section 75.001 (3), CPRC, by adding off-road motorcycling, off-road automobile driving, the use of all-terrain vehicles, bicycling and mountain biking, disc golf, and dog walking to the definition of "recreation". Further, CSHB 2070 amends Sections 75.002 (e), (f) and (g), CPRC, by striking "the state or municipality or county" and adding "a governmental unit". Specifies that a person entering premises owned, operated, or maintained by a governmental unit and engages in recreation on those premises is afforded no greater degree of care than a trespasser on the premises. Requires that warning signs be posted on or near a governmental unit's premises to specify that such government has limited liability protection for damages arising directly from listed activities.

EFFECTIVE DATE

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

COMPARISON OF ORIGINAL TO SUBSTITUTE

CSHB 2070 moves the additional activities of bicycling and mountain biking, disc golf, and dog walking from Section 75.002 (e) to Section 75.001 (3), placing the activities under the general definition of recreation that applies to all landowners. CSHB 2070 adds off-road motorcycling, off-road automobile driving and the use of all-terrain vehicles to Section 75.001 (3). Specifies that a person entering premises owned, operated, or maintained by a governmental unit and engages in recreation on those premises is afforded no greater degree of care than a trespasser on the premises.