

AN ACT

relating to a landowner's liability for injuries incurred during certain recreational activities.

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

SECTION 1. Section 75.001(3), Civil Practice and Remedies Code, is amended to read as follows:

(3) "Recreation" means an activity such as:

(A) hunting;

(B) fishing;

(C) swimming;

(D) boating;

(E) camping;

(F) picnicking;

(G) hiking;

(H) pleasure driving, including off-road motorcycling and off-road automobile driving and the use of all-terrain vehicles;

(I) nature study, including bird-watching;

(J) cave exploration;

(K) waterskiing and other water sports; ~~or~~

(L) any other activity associated with enjoying nature or the outdoors;

(M) bicycling and mountain biking;

(N) disc golf; or

1 (O) on-leash and off-leash walking of dogs.

2 SECTION 2. Sections 75.002(e), (f), and (g), Civil Practice
3 and Remedies Code, are amended to read as follows:

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

9 (1) hockey and in-line hockey; [~~and~~]

10 (2) skating, in-line skating, roller-skating,
11 skateboarding, and roller-blading; and

12 (3) soap box derby use.

13 (f) Notwithstanding Subsections (b) and (c), if a person
14 enters premises owned, operated, or maintained by a governmental
15 unit and engages in recreation on those premises, the governmental
16 unit does not owe to the person a greater degree of care than is owed
17 to a trespasser on the premises [~~This section limits the liability~~
18 ~~of the state or a municipality or county only for those damages~~
19 ~~arising directly from a recreational activity described in~~
20 ~~Subsection (e) but does not limit the liability of the state or a~~
21 ~~municipality or county for gross negligence or acts conducted in~~
22 ~~bad faith or with malicious intent].~~

23 (g) Any premises a governmental unit [~~the state or a~~
24 ~~municipality or county~~] owns, operates, or maintains and on which
25 the recreational activities described in Subsections [~~Subsection~~]
26 (e) (1) and (2) are conducted shall post and maintain a clearly
27 readable sign in a clearly visible location on or near the premises.

1 The sign shall contain the following warning language:

2 WARNING

3 TEXAS LAW (CHAPTER 75, CIVIL PRACTICE AND REMEDIES CODE) LIMITS THE
4 LIABILITY OF A GOVERNMENTAL UNIT [~~THE STATE AND A MUNICIPALITY OR~~
5 ~~COUNTY~~] FOR DAMAGES ARISING DIRECTLY FROM HOCKEY, IN-LINE HOCKEY,
6 SKATING, IN-LINE SKATING, ROLLER-SKATING, SKATEBOARDING, [~~OR~~
7 ROLLER-BLADING, OR SOAP BOX DERBY USE ON PREMISES THAT THE
8 GOVERNMENTAL UNIT [~~STATE OR THE MUNICIPALITY OR COUNTY~~] OWNS,
9 OPERATES, OR MAINTAINS FOR THAT PURPOSE.

10 SECTION 3. This Act applies only to a cause of action that
11 accrues on or after the effective date of this Act. A cause of
12 action that accrues before the effective date of this Act is
13 governed by the law in effect immediately before that date, and that
14 law is continued in effect for that purpose.

15 SECTION 4. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2005.

President of the Senate

Speaker of the House

I certify that H.B. No. 616 was passed by the House on April 29, 2005, by the following vote: Yeas 139, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 616 on May 27, 2005, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 616 was passed by the Senate, with amendments, on May 25, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor