

By: Callegari

H.B. No. 616

Substitute the following for H.B. No. 616:

By: Talton

C.S.H.B. No. 616

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

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

8 (A) hunting;

9 (B) fishing;

10 (C) swimming;

11 (D) boating;

12 (E) camping;

13 (F) picnicking;

14 (G) hiking;

15 (H) pleasure driving;

16 (I) nature study, including bird-watching;

17 (J) cave exploration;

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

19 (L) bicycling or bicycle motocrossing; or

20 (M) any other activity associated with enjoying
21 nature or the outdoors.

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

24 (e) In this section, "recreation" means, in addition to its

1 meaning under Section 75.001, the following activities only if the
2 activities take place on premises owned, operated, or maintained by
3 a governmental unit [~~the state or a municipality or county~~] for the
4 purposes of those activities:

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

6 (2) skating, in-line skating, roller-skating,
7 skateboarding, and roller-blading; and

8 (3) soap box derby use.

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

19 (g) Any premises a governmental unit [~~the state or a~~
20 ~~municipality or county~~] owns, operates, or maintains and on which
21 the recreational activities described in Subsection (e) are
22 conducted shall post and maintain a clearly readable sign in a
23 clearly visible location on or near the premises. The sign shall
24 contain the following warning language:

25 WARNING

26 TEXAS LAW (CHAPTER 75, CIVIL PRACTICE AND REMEDIES CODE) LIMITS THE
27 LIABILITY OF A GOVERNMENTAL UNIT [~~THE STATE AND A MUNICIPALITY OR~~

1 ~~COUNTY~~] FOR DAMAGES ARISING [~~DIRECTLY~~] FROM HOCKEY, IN-LINE HOCKEY,
2 SKATING, IN-LINE SKATING, ROLLER-SKATING, SKATEBOARDING, [~~OR~~]
3 ROLLER-BLADING, OR SOAP BOX DERBY USE ON PREMISES THAT THE
4 GOVERNMENTAL UNIT [~~STATE OR THE MUNICIPALITY OR COUNTY~~] OWNS,
5 OPERATES, OR MAINTAINS [~~FOR THAT PURPOSE~~].

6 SECTION 3. This Act applies only to a cause of action that
7 accrues on or after the effective date of this Act. An action that
8 accrued before the effective date of this Act is governed by the law
9 applicable to the action immediately before the effective date of
10 this Act, and that law is continued in effect for that purpose.

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