

By: Callegari

H.B. No. 616

A BILL TO BE ENTITLED

AN ACT

relating to liability of the state, a municipality, or a county for certain recreational activities.

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

SECTION 1. Sections 75.002(e) and (g), Civil Practice and Remedies Code, are amended to read as follows:

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

(1) hockey and in-line hockey; ~~and~~

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

(3) bicycling and bicycle motocrossing; and

(4) soap box derby racing.

(g) Any premises the state or a municipality or county owns, operates, or maintains and on which the recreational activities described in Subsection (e) are conducted shall post and maintain a clearly readable sign in a clearly visible location on or near the premises. The sign shall contain the following warning language:

WARNING

TEXAS LAW (CHAPTER 75, CIVIL PRACTICE AND REMEDIES CODE) LIMITS THE LIABILITY OF THE STATE AND A MUNICIPALITY OR COUNTY FOR DAMAGES

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

6 SECTION 2. This Act applies only to a cause of action that  
7 accrues on or after the effective date of this Act. A cause of  
8 action that accrues before the effective date of this Act is  
9 governed by the law in effect immediately before that date, and that  
10 law is continued in effect for that purpose.

11 SECTION 3. 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.