

1-1 By: Callegari (Senate Sponsor - Lindsay) H.B. No. 616  
1-2 (In the Senate - Received from the House May 2, 2005;  
1-3 May 3, 2005, read first time and referred to Committee on State  
1-4 Affairs; May 20, 2005, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;  
1-6 May 20, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 616 By: Ellis

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to a landowner's liability for injuries incurred during  
1-11 certain recreational activities.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subdivision (3), Section 75.001, Civil Practice  
1-14 and Remedies Code, is amended to read as follows:

1-15 (3) "Recreation" means an activity such as:

1-16 (A) hunting;

1-17 (B) fishing;

1-18 (C) swimming;

1-19 (D) boating;

1-20 (E) camping;

1-21 (F) picnicking;

1-22 (G) hiking;

1-23 (H) pleasure driving, including off-road  
1-24 motorcycling and off-road automobile driving and the use of  
1-25 all-terrain vehicles;

1-26 (I) nature study, including bird-watching;

1-27 (J) cave exploration;

1-28 (K) waterskiing and other water sports; ~~or~~

1-29 (L) any other activity associated with enjoying  
1-30 nature or the outdoors;

1-31 (M) bicycling and mountain biking;

1-32 (N) disc golf; or

1-33 (O) on-leash and off-leash walking of dogs.

1-34 SECTION 2. Subsections (e), (f), and (g), Section 75.002,  
1-35 Civil Practice and Remedies Code, are amended to read as follows:

1-36 (e) In this section, "recreation" means, in addition to its  
1-37 meaning under Section 75.001, the following activities only if the  
1-38 activities take place on premises owned, operated, or maintained by  
1-39 a governmental unit [the state or a municipality or county] for the  
1-40 purposes of those activities:

1-41 (1) hockey and in-line hockey; and

1-42 (2) skating, in-line skating, roller-skating,  
1-43 skateboarding, and roller-blading; and

1-44 (3) soap box derby use.

1-45 (f) Notwithstanding Subsections (b) and (c), if a person  
1-46 enters premises owned, operated, or maintained by a governmental  
1-47 unit and engages in recreation on those premises, the governmental  
1-48 unit does not owe to the person a greater degree of care than is owed  
1-49 to a trespasser on the premises [This section limits the liability  
1-50 of the state or a municipality or county only for those damages  
1-51 arising directly from a recreational activity described in  
1-52 Subsection (e) but does not limit the liability of the state or a  
1-53 municipality or county for gross negligence or acts conducted in  
1-54 bad faith or with malicious intent].

1-55 (g) Any premises a governmental unit [the state or a  
1-56 municipality or county] owns, operates, or maintains and on which  
1-57 the recreational activities described in Subsections [Subsection]  
1-58 (e)(1) and (2) are conducted shall post and maintain a clearly  
1-59 readable sign in a clearly visible location on or near the premises.  
1-60 The sign shall contain the following warning language:

1-61 WARNING

1-62 TEXAS LAW (CHAPTER 75, CIVIL PRACTICE AND REMEDIES CODE) LIMITS THE  
1-63 LIABILITY OF A GOVERNMENTAL UNIT [THE STATE AND A MUNICIPALITY OR

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

2-6 SECTION 3. This Act applies only to a cause of action that  
2-7 accrues on or after the effective date of this Act. A cause of  
2-8 action that accrues before the effective date of this Act is  
2-9 governed by the law in effect immediately before that date, and that  
2-10 law is continued in effect for that purpose.

2-11 SECTION 4. This Act takes effect immediately if it receives  
2-12 a vote of two-thirds of all the members elected to each house, as  
2-13 provided by Section 39, Article III, Texas Constitution. If this  
2-14 Act does not receive the vote necessary for immediate effect, this  
2-15 Act takes effect September 1, 2005.

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