

By: Rose

H.B. No. 2070

Substitute the following for H.B. No. 2070:

By: Nixon

C.S.H.B. No. 2070

A BILL TO BE ENTITLED

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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.

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

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

WARNING

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

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

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