

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. Subdivision (3), Section 75.001, Civil Practice
6 and Remedies 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, including off-road

16 motorcycling and off-road automobile driving and the use of

17 all-terrain vehicles;

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

19 (J) cave exploration;

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

21 (L) any other activity associated with enjoying

22 nature or the outdoors;

23 (M) bicycling and mountain biking;

24 (N) disc golf; or

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

2 SECTION 2. Subsections (e), (f), and (g), Section 75.002,
3 Civil Practice 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:

