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 <u>;</u>
23	(M) bicycling and mountain biking;
24	(N) disc golf; or

1	(0) 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	<u>a governmental unit [the state or a municipality or county</u>] 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 (e) 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 <u>a governmental unit</u> [the state or a
23	municipality or county] owns, operates, or maintains and on which
24	the recreational activities described in <u>Subsections</u> [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:

2

WARNING

1

TEXAS LAW (CHAPTER 75, CIVIL PRACTICE AND REMEDIES CODE) LIMITS THE
LIABILITY OF <u>A GOVERNMENTAL UNIT</u> [THE STATE AND A MUNICIPALITY OR
COUNTY] FOR DAMAGES ARISING DIRECTLY FROM HOCKEY, IN-LINE HOCKEY,
SKATING, IN-LINE SKATING, ROLLER-SKATING, SKATEBOARDING, OR
ROLLER-BLADING ON PREMISES THAT THE <u>GOVERNMENTAL UNIT</u> [STATE OR THE
MUNICIPALITY OR COUNTY] OWNS, OPERATES, OR MAINTAINS FOR THAT
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.

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

3

President of the Senate Speaker of the House I hereby certify that S.B. No. 1224 passed the Senate on April 21, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1224 passed the House on May 10, 2005, by a non-record vote.

Chief Clerk of the House

Approved:

Date

Governor