

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. Subdivision (3), Section 75.001, 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. 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:

S.B. No. 1224

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