

By: Duncan

S.B. No. 1224

A BILL TO BE ENTITLED

AN ACT

relating to liability of a governmental unit for certain recreational activities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 75.002(e), (f), and (g), Civil Practice and Remedies Code, are amended to read as follows:

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

(1) hockey and in-line hockey; [~~and~~]

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

(3) bicycling and mountain biking;

(4) disc golf; and

(5) on-leash and off-leash walking of dogs.

(f) This section limits the liability of a governmental unit [~~the state or a municipality or county~~] only for those damages arising directly from a recreational activity described in Subsection (e) but does not limit the liability of a governmental unit [~~the state or a municipality or county~~] for gross negligence or acts conducted in bad faith or with malicious intent.

(g) Any premises a governmental unit [~~the state or a~~

1 ~~municipality or county~~] owns, operates, or maintains and on which  
2 the recreational activities described in Subsection (e) are  
3 conducted shall post and maintain a clearly readable sign in a  
4 clearly visible location on or near the premises. The sign shall  
5 contain the following warning language:

6 WARNING

7 TEXAS LAW (CHAPTER 75, CIVIL PRACTICE AND REMEDIES CODE) LIMITS THE  
8 LIABILITY OF A GOVERNMENTAL UNIT [~~THE STATE AND A MUNICIPALITY OR~~  
9 ~~COUNTY~~] FOR DAMAGES ARISING DIRECTLY FROM HOCKEY, IN-LINE HOCKEY,  
10 SKATING, IN-LINE SKATING, ROLLER-SKATING, SKATEBOARDING, [~~OR~~  
11 ROLLER-BLADING, BICYCLING, MOUNTAIN BIKING, DISC GOLF, OR ON-LEASH  
12 AND OFF-LEASH WALKING OF DOGS ON PREMISES THAT THE GOVERNMENTAL  
13 UNIT [~~STATE OR THE MUNICIPALITY OR COUNTY~~] OWNS, OPERATES, OR  
14 MAINTAINS FOR THAT PURPOSE.

15 SECTION 2. This Act applies only to a cause of action that  
16 accrues on or after the effective date of this Act. A cause of  
17 action that accrues before the effective date of this Act is  
18 governed by the law in effect immediately before that date, and that  
19 law is continued in effect for that purpose.

20 SECTION 3. This Act takes effect immediately if it receives  
21 a vote of two-thirds of all the members elected to each house, as  
22 provided by Section 39, Article III, Texas Constitution. If this  
23 Act does not receive the vote necessary for immediate effect, this  
24 Act takes effect September 1, 2005.