

1-1 By: Duncan S.B. No. 1224
1-2 (In the Senate - Filed March 9, 2005; March 21, 2005, read
1-3 first time and referred to Committee on State Affairs;
1-4 April 6, 2005, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; April 6, 2005,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1224 By: Duncan

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to a landowner's liability for injuries incurred during
1-11 certain recreational activities.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subdivision (3), Section 75.001, Civil Practice
1-14 and Remedies Code, is amended to read as follows:

1-15 (3) "Recreation" means an activity such as:

1-16 (A) hunting;

1-17 (B) fishing;

1-18 (C) swimming;

1-19 (D) boating;

1-20 (E) camping;

1-21 (F) picnicking;

1-22 (G) hiking;

1-23 (H) pleasure driving, including off-road
1-24 motorcycling and off-road automobile driving and the use of
1-25 all-terrain vehicles;

1-26 (I) nature study, including bird-watching;

1-27 (J) cave exploration;

1-28 (K) waterskiing and other water sports; ~~or~~

1-29 (L) any other activity associated with enjoying
1-30 nature or the outdoors;

1-31 (M) bicycling and mountain biking;

1-32 (N) disc golf; or

1-33 (O) on-leash and off-leash walking of dogs.

1-34 SECTION 2. Subsections (e), (f), and (g), Section 75.002,
1-35 Civil Practice and Remedies Code, are amended to read as follows:

1-36 (e) In this section, "recreation" means, in addition to its
1-37 meaning under Section 75.001, the following activities only if the
1-38 activities take place on premises owned, operated, or maintained by
1-39 a governmental unit [the state or a municipality or county] for the
1-40 purposes of those activities:

1-41 (1) hockey and in-line hockey; and

1-42 (2) skating, in-line skating, roller-skating,
1-43 skateboarding, and roller-blading.

1-44 (f) Notwithstanding Subsections (b) and (c), if a person
1-45 enters premises owned, operated, or maintained by a governmental
1-46 unit and engages in recreation on those premises, the governmental
1-47 unit does not owe to the person a greater degree of care than is owed
1-48 to a trespasser on the premises [This section limits the liability
1-49 of the state or a municipality or county only for those damages
1-50 arising directly from a recreational activity described in
1-51 Subsection (e) but does not limit the liability of the state or a
1-52 municipality or county for gross negligence or acts conducted in
1-53 bad faith or with malicious intent].

1-54 (g) Any premises a governmental unit [the state or a
1-55 municipality or county] owns, operates, or maintains and on which
1-56 the recreational activities described in Subsections [Subsection]
1-57 (e)(1) and (2) are conducted shall post and maintain a clearly
1-58 readable sign in a clearly visible location on or near the premises.
1-59 The sign shall contain the following warning language:

1-60 WARNING

1-61 TEXAS LAW (CHAPTER 75, CIVIL PRACTICE AND REMEDIES CODE) LIMITS THE
1-62 LIABILITY OF A GOVERNMENTAL UNIT [THE STATE AND A MUNICIPALITY OR
1-63 COUNTY] FOR DAMAGES ARISING DIRECTLY FROM HOCKEY, IN-LINE HOCKEY,

2-1 SKATING, IN-LINE SKATING, ROLLER-SKATING, SKATEBOARDING, OR
2-2 ROLLER-BLADING ON PREMISES THAT THE GOVERNMENTAL UNIT [~~STATE OR THE~~
2-3 ~~MUNICIPALITY OR COUNTY~~] OWNS, OPERATES, OR MAINTAINS FOR THAT
2-4 PURPOSE.

2-5 SECTION 3. This Act applies only to a cause of action that
2-6 accrues on or after the effective date of this Act. A cause of
2-7 action that accrues before the effective date of this Act is
2-8 governed by the law in effect immediately before that date, and that
2-9 law is continued in effect for that purpose.

2-10 SECTION 4. This Act takes effect immediately if it receives
2-11 a vote of two-thirds of all the members elected to each house, as
2-12 provided by Section 39, Article III, Texas Constitution. If this
2-13 Act does not receive the vote necessary for immediate effect, this
2-14 Act takes effect September 1, 2005.

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