

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

May 18, 2005

TO: Honorable Robert Duncan, Chair, Senate Committee on State Affairs

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HB616 by Callegari (Relating to a landowner's liability for injuries incurred during certain recreational activities.), **As Engrossed**

<p>No significant fiscal implication to the State is anticipated.</p>
--

The bill would add bicycling, bicycling motocrossing, and soap box derby racing to the list of recreation activities that would be covered by Chapter 75 of the Civil Practice and Remedies Code. The bill would stipulate that a governmental unit would not owe a greater degree of care than is owed to a trespasser on the premises to a person who enters the governmental unit's premises for engaging in recreational activities.

The bill would take effect immediately if it were to receive the required two-thirds vote in each house; otherwise, it would take effect September 1, 2005 and would apply only to a cause of action that accrues on or after the effective date.

Chapter 75, Civil Practice and Remedies Code provides liability protection for state and local governmental entities when operating certain types of recreational facilities when designated warning signs are posted. The Parks and Wildlife Department estimates that the cost of new signs to be posted at each state park with bicycle trails would be \$14,000 (signs for 56 parks at \$250 per sign). Local governmental entities would also incur costs of new signs; however, the additional liability protection would result in potential savings to the state and local governmental entities.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General, 802 Parks and Wildlife Department

LBB Staff: JOB, SR, DLBa