

BILL ANALYSIS

C.S.H.B. 1898
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, the Civil Practice and Remedies Code limits the liability of a municipality that owns, operates, or maintains a facility in which hockey, in-line hockey, skating, in-line skating, roller-skating, skateboarding, roller-blading, paintball use, or soap box derby use are conducted. Governmental units that own and operate a facility are required to post a sign, clearly visible on or near the premises, stating the limits of liability for certain activities. In addition to those activities, bicycling activities are common at certain facilities owned by governmental units.

C.S.H.B. 1898 clarifies that any outdoor premises the state or an agency of this state owns, operates, or maintains and on which skating, in-line skating, roller-skating, skateboarding, and roller-blading are conducted to post and maintain a certain clearly readable sign in a clearly visible location near the premises.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1898 amends the Civil Practice and Remedies Code to require any outdoor premises the state or an agency of this state owns, operates, or maintains and on which skating, in-line skating, roller-skating, skateboarding, and roller-blading are conducted to post and maintain a certain clearly readable sign in a clearly visible location near the premises. The bill sets forth the warning language contained on the sign. The bill clarifies that the required sign is to be posted instead of a different sign required under other provisions relating to the limited liability of a governmental unit.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 1898 differs from the original by adding a requirement for a limited liability warning sign required to be posted specifically targeted to any outdoor premises owned, operated, or maintained by the state or an agency of the state on which skating, in-line skating, roller-skating, skateboarding, and roller-blading are conducted and leaving unamended an existing provision relating to a limited liability warning sign required to be posted on any premises owned, operated, or maintained by a governmental unit on which a number of activities, including those listed above are conducted, whereas the original amends the existing provision relating to such a sign to include premises on which bicycling activities are conducted. The substitute differs from the original by retaining the text of the existing limited liability warning sign and establishing text for the new sign that differs only by adding reference to bicycling activities, whereas the original amends the text of the existing limited liability warning sign to include reference to bicycling activities.