

By: Paddie

H.B. No. 3476

A BILL TO BE ENTITLED

AN ACT

relating to the liability of sports officials and organizations.

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

SECTION 1. Title 4, Civil Practice and Remedies Code, is amended by adding Chapter 94 to read as follows:

CHAPTER 94. LIABILITY OF SPORTS OFFICIALS AND ORGANIZATIONS

Sec. 94.001. DEFINITIONS. In this chapter:

(1) "Sports official" means a person who officiates, judges, or in any manner enforces contest rules in any official capacity with respect to an interscholastic, intercollegiate, or other organized amateur or professional athletic competition and includes a referee, umpire, linesman, side-judge, track or field marshal, timekeeper, or scorekeeper or any other person involved in supervising competitive play.

(2) "Athletic competition" means any competitive group or solo sporting activity and includes football, baseball, soccer, basketball, hockey, swimming, track, wrestling, bike or foot races, triathlon, equestrian competitions, golf, marksmanship competitions, darts, billiards, Frisbee golf, fishing tournaments, car racing, or any similar activity that involves any aspect of physical competition, coordination, endurance, or stamina.

(3) "Sponsoring organization" means the individual, club, association, or entity that undertakes to organize, underwrite, sanction, or promote an athletic competition.

1 Sec. 94.002. LIABILITY OF SPORTS OFFICIAL. (a) A sports
2 official who is engaged in an athletic competition is not liable for
3 civil damages, including personal injury, wrongful death, property
4 damage, or other loss related to any act, error, or omission that
5 results from a risk inherent in the nature of the competitive
6 activity in which the claimant chose to participate unless the act,
7 error, or omission constitutes:

8 (1) gross negligence; or

9 (2) wanton, wilful, or intentional conduct.

10 (b) Whether a risk is inherent in the nature of a
11 competitive activity is dependent upon:

12 (1) the nature of the sport in question;

13 (2) the conduct that is generally accepted in the
14 sport; and

15 (3) whether the harm occurred during the pursuit of
16 the purposes of the competition.

17 (c) A mere violation of the rules of play of an athletic
18 competition or failing to call a penalty, missing a call, or failing
19 to enforce competition rules cannot in itself form the basis for
20 liability under this chapter.

21 Sec. 94.003. LIABILITY OF SPONSORING ORGANIZATION. A
22 sponsoring organization cannot be held liable for an act, error, or
23 omission of a sports official absent any new, independent, and
24 separate act, error, or omission of the sponsoring organization
25 that gave rise to the harm.

26 SECTION 2. Chapter 94, Civil Practice and Remedies Code, as
27 added by this Act, applies only to an act, error, or omission that

1 occurs on or after the effective date of this Act.

2 SECTION 3. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2013.