

BILL ANALYSIS

Senate Research Center
84R99 AJA-F

H.B. 1040
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Individuals participating in athletic competitions assume certain risks associated with the activity. Current law provides protections from liability for this participation either by statute or case law. However, sports officials who officiate, judge, or enforce contest rules, along with certain sponsoring organizations, do not have the same type of liability protection as the individual participating in the athletic competition.

H.B. 1040 provides a common sense protection to sports officials and sponsoring organizations by limiting their liability for civil damages related to an act, error, or omission that results from a risk inherent in the nature of the competitive activity.

H.B. 1040 amends current law relating to the liability of certain sports officials and organizations.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 4, Civil Practice and Remedies Code, by adding Chapter 94, as follows:

CHAPTER 94. LIABILITY OF SPORTS OFFICIALS AND ORGANIZATIONS

Sec. 94.001. DEFINITIONS. Defines "athletic competition," "sponsoring organization," and "sports official."

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

- (1) gross negligence; or
- (2) wanton, wilful, or intentional misconduct.

(b) Provides that whether a risk is inherent in the nature of a competitive activity is dependent upon:

- (1) the nature of the sport in question;
- (2) the conduct that is generally accepted in the sport; and
- (3) whether the harm occurred during the pursuit of the purposes of the competition.

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

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

SECTION 2. Provides that Chapter 94, Civil Practice and Remedies Code, as added by this Act, applies only to an act, error, or omission that occurs on or after the effective date of this Act.

SECTION 3. Effective date: upon passage or September 1, 2015.