

By: Paddie

H.B. No. 1040

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the liability of certain sports officials and  
3 organizations.

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

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

7 CHAPTER 94. LIABILITY OF SPORTS OFFICIALS AND ORGANIZATIONS

8 Sec. 94.001. DEFINITIONS. In this chapter:

9 (1) "Athletic competition" means any competitive  
10 group or solo sporting activity and includes:

11 (A) football, baseball, soccer, basketball,  
12 hockey, swimming, track, wrestling, bike or foot races, triathlon,  
13 equestrian competitions, golf, marksmanship competitions, darts,  
14 billiards, Frisbee golf, fishing tournaments, car racing, and any  
15 similar activity that involves any aspect of physical competition,  
16 coordination, endurance, or stamina; and

17 (B) a rodeo, livestock show, or related event or  
18 competition.

19 (2) "Sponsoring organization" means the individual,  
20 club, association, or entity that undertakes to organize,  
21 underwrite, sanction, or promote:

22 (A) an interscholastic, intercollegiate, or  
23 other organized amateur athletic competition; or

24 (B) any rodeo, livestock show, or related event

1 or competition.

2 (3) "Sports official" means a person who officiates,  
3 judges, or in any manner enforces contest rules in any official  
4 capacity with respect to:

5 (A) an interscholastic, intercollegiate, or  
6 other organized amateur athletic competition and includes a  
7 referee, umpire, linesman, side judge, track or field marshal,  
8 timekeeper, or scorekeeper or any other person involved in  
9 supervising competitive play; or

10 (B) any rodeo, livestock show, or related event  
11 or competition.

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

19 (1) gross negligence; or

20 (2) wanton, wilful, or intentional misconduct.

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

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

24 (2) the conduct that is generally accepted in the  
25 sport; and

26 (3) whether the harm occurred during the pursuit of  
27 the purposes of the competition.

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

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

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

13        SECTION 3. This Act takes effect immediately if it receives  
14 a vote of two-thirds of all the members elected to each house, as  
15 provided by Section 39, Article III, Texas Constitution. If this  
16 Act does not receive the vote necessary for immediate effect, this  
17 Act takes effect September 1, 2015.