

BILL ANALYSIS

Senate Research Center

C.S.H.B. 616
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State Affairs
5/20/2005
Committee Report (Substituted)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, there is limited liability for damages directly arising from hockey, in-line hockey, skating, in-line skating, roller-skating, skateboarding, and other recreational activities that occur on premises owned by a state, municipality, or county.

C.S.H.B. 616 extends that limited liability to soapbox derby use.

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 Section 75.001(3), Civil Practice and Remedies Code, by redefining "recreation". Makes a nonsubstantive change.

SECTION 2. Amends Sections 75.002(e), (f), and (g), Civil Practice and Remedies Code, as follows:

(e) Redefines "recreation."

(f) Provides that, notwithstanding Subsections (b) and (c), a governmental unit does not owe a person a greater degree of care than is owed to a trespasser on the premises if a person enters premises owned, operated, or maintained by a governmental unit for certain recreation purposes. Deletes text relating to the limitation of this section on the liability of the state or municipality or county relating to those damages arising directly from a recreational activity described in Subsection (e).

(g) Requires any premises a governmental unit, rather than a state or a municipality or county, owns, operates, or maintains and on which the recreational activities described in Subsection (e) are conducted to post and maintain a clearly readable sign in a clearly visible location on or near the premises. Amends the language contained on the sign.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: upon passage or September 1, 2005.