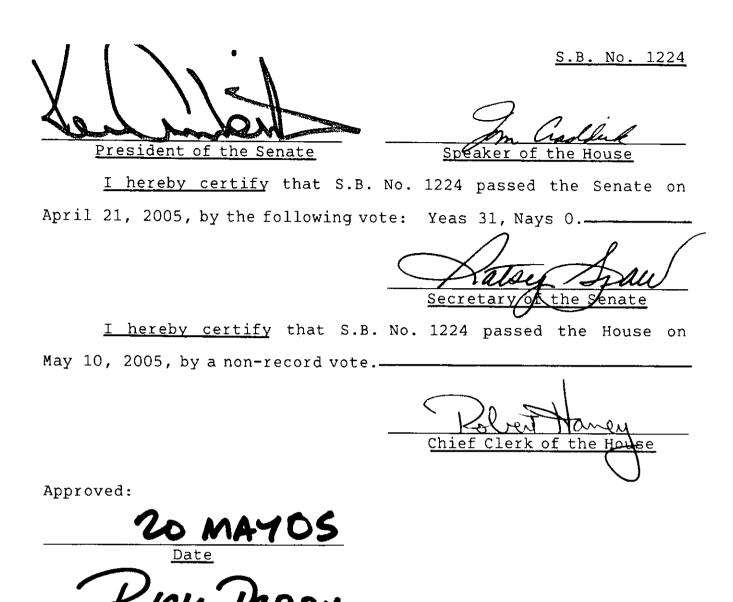
1	AN ACT
2	relating to a landowner's liability for injuries incurred during
3	certain recreational activities.
4	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
5	SECTION 1. Subdivision (3), Section 75.001, Civil Practice
6	and Remedies Code, is amended to read as follows:
7	(3) "Recreation" means an activity such as:
8	(A) hunting;
9	(B) fishing;
10	(C) swimming;
11	(D) boating;
12	(E) camping;
13	(F) picnicking;
14	(G) hiking;
15	(H) pleasure driving, including off-road
16	motorcycling and off-road automobile driving and the use of
17	all-terrain vehicles;
18	(I) nature study, including bird-watching;
19	(J) cave exploration;
20	(K) waterskiing and other water sports; [ox]
21	(L) any other activity associated with enjoying
22	nature or the outdoors;
23	<pre>(M) bicycling and mountain biking;</pre>
24	(N) disc golf; or

- 1 (O) on-leash and off-leash walking of dogs.
- SECTION 2. Subsections (e), (f), and (g), Section 75.002,
- 3 Civil Practice and Remedies Code, are amended to read as follows:
- 4 (e) In this section, "recreation" means, in addition to its
- 5 meaning under Section 75.001, the following activities only if the
- 6 activities take place on premises owned, operated, or maintained by
- 7 <u>a governmental unit</u> [the state or a municipality or county] for the
- 8 purposes of those activities:
- 9 (1) hockey and in-line hockey; and
- 10 (2) skating, in-line skating, roller-skating,
- 11 skateboarding, and roller-blading.
- (f) Notwithstanding Subsections (b) and (c), if a person
- 13 enters premises owned, operated, or maintained by a governmental
- 14 unit and engages in recreation on those premises, the governmental
- 15 unit does not owe to the person a greater degree of care than is owed
- 16 to a trespasser on the premises [This section limits the liability
- 17 of the state or a municipality or county only for those damages
- 18 arising directly from a recreational activity described in
- 19 Subsection (e) but does not limit the liability of the state or a
- 20 municipality or county for gross negligence or acts conducted in
- 21 bad faith or with malicious intent].
- 22 (g) Any premises a governmental unit [the state or a
- 23 municipality or county owns, operates, or maintains and on which
- the recreational activities described in Subsections [Subsection]
- 25 (e)(1) and (2) are conducted shall post and maintain a clearly
- 26 readable sign in a clearly visible location on or near the premises.
- 27 The sign shall contain the following warning language:

1 WARNING

- 2 TEXAS LAW (CHAPTER 75, CIVIL PRACTICE AND REMEDIES CODE) LIMITS THE
- 3 LIABILITY OF A GOVERNMENTAL UNIT [THE STATE AND A MUNICIPALITY OR
- 4 COUNTY FOR DAMAGES ARISING DIRECTLY FROM HOCKEY, IN-LINE HOCKEY,
- 5 SKATING, IN-LINE SKATING, ROLLER-SKATING, SKATEBOARDING, OR
- 6 ROLLER-BLADING ON PREMISES THAT THE GOVERNMENTAL UNIT [STATE OR THE
- 7 MUNICIPALITY OR COUNTY OWNS, OPERATES, OR MAINTAINS FOR THAT
- 8 PURPOSE.
- 9 SECTION 3. This Act applies only to a cause of action that
- 10 accrues on or after the effective date of this Act. A cause of
- 11 action that accrues before the effective date of this Act is
- governed by the law in effect immediately before that date, and that
- 13 law is continued in effect for that purpose.
- SECTION 4. This Act takes effect immediately if it receives
- a vote of two-thirds of all the members elected to each house, as
- 16 provided by Section 39, Article III, Texas Constitution. If this
- 17 Act does not receive the vote necessary for immediate effect, this
- 18 Act takes effect September 1, 2005.



MAY 20 2005

Secretary of State