

## 1 AN ACT

2 relating to liability of the state and certain political  
3 subdivisions for certain recreational activities.

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

5 SECTION 1. Sections 75.002(e), (f), and (g), Civil Practice  
6 and Remedies Code, are amended to read as follows:

7 (e) In this section, "recreation" means, in addition to its  
8 meaning under Section 75.001, the following activities only if the  
9 activities take place on premises [~~inside a facility~~] owned,  
10 operated, or maintained by the state or a municipality or county for  
11 the purposes of those activities:

12 (1) hockey and in-line hockey; and

13 (2) skating, in-line skating, roller-skating,  
14 skateboarding, and roller-blading.

15 (f) This section [~~Subsection (e)~~] limits the liability of  
16 the state or a municipality or county only for those damages arising  
17 directly from a recreational activity described in Subsection (e)  
18 but does not limit the liability of the state or a municipality or  
19 county for gross negligence or acts conducted in bad faith or with  
20 malicious intent.

21 (g) Any premises the state or a municipality or county  
22 [~~that~~] owns, operates, or maintains and on [~~a facility in~~] which the  
23 recreational activities described in Subsection (e) are conducted  
24 shall post and maintain a clearly readable sign in a clearly visible

1 location on or near the premises [~~building~~]. The sign shall contain  
2 the following warning language:

3 WARNING

4 TEXAS LAW (CHAPTER 75, CIVIL PRACTICE AND REMEDIES CODE) LIMITS THE  
5 LIABILITY OF THE STATE AND A MUNICIPALITY OR COUNTY FOR DAMAGES  
6 ARISING DIRECTLY FROM HOCKEY, IN-LINE HOCKEY, SKATING, IN-LINE  
7 SKATING, ROLLER-SKATING, SKATEBOARDING, OR ROLLER-BLADING ON  
8 PREMISES THAT THE STATE OR THE MUNICIPALITY OR COUNTY OWNS,  
9 OPERATES, OR MAINTAINS FOR THAT PURPOSE [~~A FACILITY IN WHICH~~  
10 ~~HOCKEY, IN-LINE HOCKEY, SKATING, IN-LINE SKATING, ROLLER-SKATING,~~  
11 ~~SKATEBOARDING, OR ROLLER-BLADING ARE CONDUCTED FOR DAMAGES ARISING~~  
12 ~~DIRECTLY FROM SUCH RECREATIONAL ACTIVITIES~~].

13 SECTION 2. This Act applies only to a cause of action that  
14 accrues on or after the effective date of this Act. A cause of  
15 action that accrues before the effective date of this Act is  
16 governed by the law in effect immediately before that date, and that  
17 law is continued in effect for that purpose.

18 SECTION 3. This Act takes effect September 1, 2003.

David Swihart

President of the Senate

Jim Caddick

Speaker of the House

I certify that H.B. No. 3248 was passed by the House on May 10, 2003, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 3248 on May 23, 2003, by a non-record vote.

Robert Haney  
Chief Clerk of the House

I certify that H.B. No. 3248 was passed by the Senate, with amendments, on May 22, 2003, by the following vote: Yeas 31, Nays 0.

Patsy Spaw  
Secretary of the Senate

APPROVED: 20 JUN '03

Date

Rick Perry  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
10:30 PM O'CLOCK

JUN 20 2003  
Ann Shea  
Secretary of State