

SUBJECT: Limiting the liability of landowners permitting rock climbing on property

COMMITTEE: Judiciary and Civil Jurisprudence — favorable, without amendment

VOTE: 7 ayes — Leach, Farrar, Julie Johnson, Krause, Meyer, Neave, Smith

0 nays

2 absent — Y. Davis, White

SENATE VOTE: On final passage, March 18 — 30-0

WITNESSES: *On House companion bill, HB 687:*

For — (*Registered, but did not testify:* Brian Tickle, Access Fund; David Sinclair, Game Warden Peace Officers Association)

Against — None

BACKGROUND: Civil Practice and Remedies Code sec. 75.002 provides that an owner, lessee, or occupant of real property giving permission to another to enter the premises for recreation does not assure that the premises are safe for that purpose, owe to that person a greater degree of care than is owed to a trespasser, or assume responsibility or incur liability for any injury to any individual or property caused by any act of that person.

Sec. 75.001 defines recreation to include activities such as hunting, swimming, camping, hiking, cave exploration, or any other activity associated with enjoying nature or the outdoors.

Concerns have been raised that the definition of recreation in current statute does not include rock climbing as an activity for which a landowner has limited liability, which has discouraged many landowners from permitting rock climbing on their property.

DIGEST: SB 230 would add rock climbing to the list of recreational activities for which landowners permitting such activities on their property would have

limited liability.

The bill would apply only to causes of action accruing on or after the bill's effective date.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2019.