

BILL ANALYSIS

Senate Research Center

H.B. 1955
By: Hilbert (Patterson)
State Affairs
4-26-97
Engrossed

DIGEST

Currently, ice skating rink operators are being pursued for recovery of damages by persons or the families of persons, who fall and injure themselves or others while skating. There are concerns that these injuries are inherent to the activity of skating and not as the result of negligence on the part of the rink owner or operator. This bill assigns rights and responsibilities while engaging in skating activity at a public rink for operators, ice skaters, spectators, and children to ensure that liability is expressly understood by all.

PURPOSE

As proposed, H.B. 1955 establishes certain provisions regarding the operation of ice skating centers.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 9A, Health and Safety Code, by adding Chapter 760, as follows:

CHAPTER 760. ICE SKATING CENTERS

Sec. 760.001. DEFINITIONS. Defines "ice skating center," operator," and "spectator."

Sec. 760.002. DUTIES OF OPERATOR. Sets forth required duties of the operator of an ice skating center.

Sec. 760.003. DUTIES OF ICE SKATERS. Set forth required duties of an ice skater. Prohibits an ice skater from acting in a manner that may cause injury to others.

Sec. 760.004. DUTIES OF SPECTATOR. Requires a spectator to comply with each posted sign or warning that relates to the behavior of the spectator in the ice skating center.

Sec. 760.005. DUTY OF CHILD. Provides that in determining whether the conduct of a child violates Section 760.003 or 760.004, the conduct shall be evaluated based on the child's experience, intelligence, capacity, and age.

Sec. 760.006. LIABILITY. Provides than an operator is not liable in negligence for certain damages caused by a breach of a duty prescribed in Section 760.002, with exceptions for certain actions against an operator. Provides that Chapter 33, Civil Practice and Remedies Code, applies to an action brought against an operator.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 1997.

SECTION 4. Emergency clause.