

## **BILL ANALYSIS**

Senate Research Center  
79R11624 MFC-D

C.S.S.B. 1224  
By: Duncan  
State Affairs  
4/6/2005  
Committee Report (Substituted)

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

Current Texas law limits the liability of municipalities, counties, and the state with respect to certain recreational activities conducted on their land. The recreational activities protected by the law include: hockey and in-line hockey, in-line skating, roller-skating, skateboarding, and roller-blading.

As proposed, C.S.S.B. 1224 expands coverage of limited liability for outdoor recreational activities to include all governmental units. It also expands coverage of the statute for recreational activities to include bicycling, mountain biking, disc golf, and dog walking activities.

### **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, to redefine "recreation."

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), if a person enters premises owned, operated, or maintained by a governmental unit and engages in recreation on those premises, the governmental unit does not owe to the person a greater degree of care than is owed to a trespasser on the premises. Deletes existing text providing limitations on the liability of a governmental unit arising directly from a recreational activity.

(g) Makes conforming changes.

SECTION 3. Makes application of this Act prospective.

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