

BILL ANALYSIS

C.S.H.B. 2303
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties point out that exemptions from liability provided to a landowner who allows recreational activities on the landowner's property are insufficient, hindering access to certain recreational activities. C.S.H.B. 2303 seeks to address this issue.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2303 amends the Civil Practice and Remedies Code to include the use of a recreational off-highway vehicle among the types of pleasure driving included in the definition of "recreation" for purposes of statutory provisions regarding the liability of certain owners, lessees, or occupants of land for injuries incurred during certain recreational activities by an individual who has entered the land.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2303 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 75.001(3), Civil Practice and Remedies Code, is amended to read as follows:

- (3) "Recreation" means an activity such as:
- (A) hunting;
 - (B) fishing;
 - (C) swimming;

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 75.001(3), Civil Practice and Remedies Code, is amended to read as follows:

- (3) "Recreation" means an activity such as:
- (A) hunting;
 - (B) fishing;
 - (C) swimming;

(D) boating;
(E) camping;
(F) picnicking;
(G) hiking;
(H) pleasure driving, including off-road motorcycling and off-road automobile driving and the use of all-terrain vehicles;

(I) nature study, including bird-watching;
(J) cave exploration;
(K) waterskiing and other water sports;
(L) any other activity associated with enjoying nature or the outdoors;
(M) bicycling and mountain biking;
(N) disc golf;
(O) on-leash and off-leash walking of dogs;
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(P) radio control flying and related activities; or
(Q) driving a recreational off-highway vehicle as defined by Section 502.001, Transportation Code.

SECTION 2. The change in law made by this Act applies only to a cause of action that accrues on or after the effective date of this Act. A cause of action that accrues before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

(D) boating;
(E) camping;
(F) picnicking;
(G) hiking;
(H) pleasure driving, including off-road motorcycling and off-road automobile driving and the use of all-terrain vehicles and recreational off-highway vehicles;
(I) nature study, including bird-watching;
(J) cave exploration;
(K) waterskiing and other water sports;
(L) any other activity associated with enjoying nature or the outdoors;
(M) bicycling and mountain biking;
(N) disc golf;
(O) on-leash and off-leash walking of dogs;
or
(P) radio control flying and related activities.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.