

1-1 By: Paddie (Senate Sponsor - Hancock) H.B. No. 1040  
 1-2 (In the Senate - Received from the House April 27, 2015;  
 1-3 May 4, 2015, read first time and referred to Committee on State  
 1-4 Affairs; May 12, 2015, reported favorably by the following vote:  
 1-5 Yeas 9, Nays 0; May 12, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to the liability of certain sports officials and  
 1-20 organizations.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Title 4, Civil Practice and Remedies Code, is  
 1-23 amended by adding Chapter 94 to read as follows:

1-24 CHAPTER 94. LIABILITY OF SPORTS OFFICIALS AND ORGANIZATIONS

1-25 Sec. 94.001. DEFINITIONS. In this chapter:

1-26 (1) "Athletic competition" means any competitive  
 1-27 group or solo sporting activity and includes:

1-28 (A) football, baseball, soccer, basketball,  
 1-29 hockey, swimming, track, wrestling, bike or foot races, triathlon,  
 1-30 equestrian competitions, golf, marksmanship competitions, darts,  
 1-31 billiards, Frisbee golf, fishing tournaments, car racing, and any  
 1-32 similar activity that involves any aspect of physical competition,  
 1-33 coordination, endurance, or stamina; and

1-34 (B) a rodeo, livestock show, or related event or  
 1-35 competition.

1-36 (2) "Sponsoring organization" means the individual,  
 1-37 club, association, or entity that undertakes to organize,  
 1-38 underwrite, sanction, or promote:

1-39 (A) an interscholastic, intercollegiate, or  
 1-40 other organized amateur athletic competition; or

1-41 (B) any rodeo, livestock show, or related event  
 1-42 or competition.

1-43 (3) "Sports official" means a person who officiates,  
 1-44 judges, or in any manner enforces contest rules in any official  
 1-45 capacity with respect to:

1-46 (A) an interscholastic, intercollegiate, or  
 1-47 other organized amateur athletic competition and includes a  
 1-48 referee, umpire, linesman, side judge, track or field marshal,  
 1-49 timekeeper, or scorekeeper or any other person involved in  
 1-50 supervising competitive play; or

1-51 (B) any rodeo, livestock show, or related event  
 1-52 or competition.

1-53 Sec. 94.002. LIABILITY OF SPORTS OFFICIAL. (a) A sports  
 1-54 official who is engaged in an athletic competition is not liable for  
 1-55 civil damages, including personal injury, wrongful death, property  
 1-56 damage, or other loss related to any act, error, or omission that  
 1-57 results from a risk inherent in the nature of the competitive  
 1-58 activity in which the claimant chose to participate unless the act,  
 1-59 error, or omission constitutes:

1-60 (1) gross negligence; or

1-61 (2) wanton, wilful, or intentional misconduct.

2-1 (b) Whether a risk is inherent in the nature of a  
2-2 competitive activity is dependent upon:

2-3 (1) the nature of the sport in question;

2-4 (2) the conduct that is generally accepted in the  
2-5 sport; and

2-6 (3) whether the harm occurred during the pursuit of  
2-7 the purposes of the competition.

2-8 (c) A mere violation of the rules of play of an athletic  
2-9 competition or failing to call a penalty, missing a call, or failing  
2-10 to enforce competition rules cannot in itself form the basis for  
2-11 liability under this chapter.

2-12 Sec. 94.003. LIABILITY OF SPONSORING ORGANIZATION. A  
2-13 sponsoring organization cannot be held liable for an act, error, or  
2-14 omission of a sports official absent any new, independent, and  
2-15 separate act, error, or omission of the sponsoring organization  
2-16 that gave rise to the harm.

2-17 SECTION 2. Chapter 94, Civil Practice and Remedies Code, as  
2-18 added by this Act, applies only to an act, error, or omission that  
2-19 occurs on or after the effective date of this Act.

2-20 SECTION 3. This Act takes effect immediately if it receives  
2-21 a vote of two-thirds of all the members elected to each house, as  
2-22 provided by Section 39, Article III, Texas Constitution. If this  
2-23 Act does not receive the vote necessary for immediate effect, this  
2-24 Act takes effect September 1, 2015.

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