

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6474

BILL NUMBER: HB 1045

NOTE PREPARED: Jan 27, 2015

BILL AMENDED: Jan 27, 2015

SUBJECT: Recreational Facility Immunity.

FIRST AUTHOR: Rep. Morrison

FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State

Summary of Legislation: This bill specifies the duties and responsibilities of the users and the operator of a recreational facility operated by a postsecondary educational institution. It specifies that the operator of such a recreational facility who fulfills the operator's duties and responsibilities has a complete defense to a civil action. It makes conforming amendments.

Effective Date: July 1, 2015.

Explanation of State Expenditures: *Summary:* The bill could reduce a state educational institution's liability exposure from the operation of a recreational facility.

Additional Information: The term recreational facility would include a building, location, or area designed and used for recreational purposes. The term would include:

1. A gymnasium.
2. A park.
3. A playground.
4. A swimming pool.
5. A fieldhouse.
6. A beach.
7. A stadium.
8. A golf course.
9. A campground.
10. A boat launching site.

11. An arboretum.
12. A bicycle path.
13. A bridle path.
14. A community center.
15. A bowling alley.
16. A billiard hall.
17. A court, field, or other area designated for sports.
18. Any other building, location, or area specifically set aside for recreation.

The limited liability provision would not apply to the operator of a skating rink.

The state educational institution would be responsible for posting the duties of the recreational user and the duties, obligations, and liabilities of the institution in at least three conspicuous locations in or along the recreational facility. The institution is also responsible for maintaining equipment in good mechanical condition and providing a good and safe environment.

The recreational users are assumed to have knowledge of and to assume the risks of using the facility. The risks of using the facility would include:

1. Injuries that result from collision or incidental contact with other users.
2. Injuries that result from falls caused by loss of balance.
3. Injuries that involve object or artificial structures maintained in a good and safe manner.
4. Injuries that result from the user not following the user's duties.

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: State educational institutions.

Local Agencies Affected:

Information Sources:

Fiscal Analyst: Mark Goodpaster, 317-232-9852.