

Senate Bill No. 42

(By Senators Jenkins and Plymale)

[Introduced January 12, 2011; referred to the Committee on Natural Resources; and then to the Committee on the Judiciary.]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-11-7; to amend said code by adding thereto a new section, designated §8-21-10a; and to amend said code by adding thereto a new section, designated §20-5-23, all relating to immunity from civil liability for operators of parks and recreation districts.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §7-11-7; that said code be amended by adding thereto a new section, designated §8-21-10a; and that said code be amended by adding thereto a new section, designated §20-5-23, all to read as follows:

CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.

ARTICLE 11. COUNTY PARKS AND RECREATION COMMISSIONS.

1 **§7-11-7. Liability of county parks and recreation commissions.**

2 A commission is not liable for any injury, loss or damage
3 caused by the negligence of any person who is not an agent or
4 employee of the commission, or for any injury, loss or damage to
5 any person, unless the injury, loss or damage was directly caused
6 by an agent or employee of the commission, that occurs within the
7 public parks and recreational properties and facilities owned by
8 the county or commission.

9 **CHAPTER 8. MUNICIPAL CORPORATIONS.**

10 **ARTICLE 21. BOARD OF PARK AND RECREATION COMMISSIONERS.**

11 **§8-21-10a. Liability of board.**

12 A board is not liable for any injury, loss or damage caused by
13 the negligence of any person who is not an agent or employee of the
14 board, or for any injury, loss or damage to any person, unless the
15 injury, loss or damage was directly caused by an agent or employee
16 of the board, that occurs within the city public parks and
17 recreational properties and facilities owned by the board.

18 **CHAPTER 20. NATURAL RESOURCES.**

19 **ARTICLE 5. PARKS AND RECREATION.**

20 **§20-5-23. Liability of Section of Parks and Recreation.**

21 The Section of Parks and Recreation is not liable for any
22 injury, loss or damage caused by the negligence of any person who
23 is not an agent or employee of the Section of Parks and Recreation,

1 or for any injury, loss or damage to any person, unless the injury,
2 loss or damage was directly caused by an agent or employee of the
3 Section of Parks and Recreation, that occurs within the state parks
4 and public recreational properties and facilities owned by the
5 Section of Parks and Recreation or the Division of Natural
6 Resources.

NOTE: The purpose of this bill is to extend immunity from
civil liability to the operators of parks and recreation districts.

These sections are new; therefore, strike-throughs and
underscoring have been omitted.