

Senate Bill No. 6

(By Senators Jenkins, Plymale, McCabe and Green)

[Introduced February 13, 2013; 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.

1 **ARTICLE 11. COUNTY PARKS AND RECREATION COMMISSIONS.**

2 **§7-11-7. Liability of county parks and recreation commissions.**

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

10 **CHAPTER 8. MUNICIPAL CORPORATIONS.**

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

12 **§8-21-10a. Liability of board.**

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

19 **CHAPTER 20. NATURAL RESOURCES.**

20 **ARTICLE 5. PARKS AND RECREATION.**

21 **§20-5-23. Liability of Section of Parks and Recreation.**

22 The Section of Parks and Recreation is not liable for injury,

1 loss or damage caused by the negligence of a person who is not an
2 agent or employee of the Section of Parks and Recreation or for
3 injury, loss or damage to a person unless the injury, loss or
4 damage was directly caused by an agent or employee of the Section
5 of Parks and Recreation and occurs within the state parks and
6 public recreational properties and facilities owned by the Section
7 of Parks and Recreation or the Division of Natural 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.