

1-1 By: Murr (Senate Sponsor - Flores) H.B. No. 2636  
 1-2 (In the Senate - Received from the House April 24, 2023;  
 1-3 May 5, 2023, read first time and referred to Committee on State  
 1-4 Affairs; May 15, 2023, reported favorably by the following vote:  
 1-5 Yeas 8, Nays 0; May 15, 2023, 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			X	
1-18			X	

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to liability of a recreational vehicle park or campground  
 1-22 entity for injuries arising from certain activities.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Title 4, Civil Practice and Remedies Code, is  
 1-25 amended by adding Chapter 75B to read as follows:

1-26 CHAPTER 75B. LIMITED LIABILITY FOR RECREATIONAL VEHICLE PARK AND  
 1-27 CAMPGROUND ACTIVITIES

1-28 Sec. 75B.001. DEFINITIONS. In this chapter:

1-29 (1) "Campground" means a commercial property designed  
 1-30 to provide cabins for transient guest use or areas for locating  
 1-31 recreational vehicles or tents for transient guest use.

1-32 (2) "Campground entity" means a person engaged in the  
 1-33 business of owning or operating a campground.

1-34 (3) "Recreational vehicle park" has the meaning  
 1-35 assigned by Section 13.087, Water Code.

1-36 (4) "Recreational vehicle park entity" means a person  
 1-37 engaged in the business of owning or operating a recreational  
 1-38 vehicle park.

1-39 (5) "Recreational vehicle park or campground  
 1-40 activity" means an activity at a recreational vehicle park or  
 1-41 campground for recreational or educational purposes.

1-42 (6) "Recreational vehicle park or campground  
 1-43 participant" means an individual, other than an employee of a  
 1-44 recreational vehicle park or campground entity, who engages in a  
 1-45 recreational vehicle park or campground activity.

1-46 (7) "Recreational vehicle park or campground  
 1-47 participant injury" means an injury sustained by a recreational  
 1-48 vehicle park or campground participant, including bodily injury,  
 1-49 emotional distress, death, property damage, or any other loss  
 1-50 arising from the person's conduct of or participation in a  
 1-51 recreational vehicle park or campground activity.

1-52 Sec. 75B.002. LIMITED LIABILITY. (a) Except as provided  
 1-53 by Subsection (b), a recreational vehicle park or campground entity  
 1-54 is not liable to any person for a recreational vehicle park or  
 1-55 campground participant injury or damages arising out of a  
 1-56 recreational vehicle park or campground participant injury if, at  
 1-57 the time of the recreational vehicle park or campground activity  
 1-58 from which the injury arises, the warning prescribed by Section  
 1-59 75B.003 was posted in accordance with that section.

1-60 (b) This section does not limit liability for an injury:

1-61 (1) proximately caused by:

2-1 (A) the recreational vehicle park or campground  
2-2 entity's negligence with regard to the safety of the recreational  
2-3 vehicle park or campground participant;

2-4 (B) a potentially dangerous condition on the  
2-5 land, facilities, or equipment used in the activity, of which the  
2-6 recreational vehicle park or campground entity knew or reasonably  
2-7 should have known; or

2-8 (C) the recreational vehicle park or campground  
2-9 entity's failure to train or improper training of an employee of the  
2-10 recreational vehicle park or campground entity actively involved in  
2-11 a recreational vehicle park or campground activity; or

2-12 (2) intentionally caused by the recreational vehicle  
2-13 park or campground entity.

2-14 (c) A limitation on liability provided by this section to a  
2-15 recreational vehicle park or campground entity is in addition to  
2-16 other limitations of liability.

2-17 Sec. 75B.003. POSTED WARNING. For the purposes of  
2-18 limitation of liability under Section 75B.002(a), a recreational  
2-19 vehicle park or campground entity must post and maintain a sign in a  
2-20 clearly visible location on or near the recreational vehicle park  
2-21 or campground. The sign must contain the following language:

2-22 WARNING  
2-23 TEXAS LAW (CHAPTER 75B, CIVIL PRACTICE AND REMEDIES CODE) LIMITS  
2-24 THE LIABILITY OF A RECREATIONAL VEHICLE PARK OR CAMPGROUND ENTITY  
2-25 FOR INJURIES OR DEATH OF A RECREATIONAL VEHICLE PARK OR CAMPGROUND  
2-26 PARTICIPANT RESULTING FROM A RECREATIONAL VEHICLE PARK OR  
2-27 CAMPGROUND ACTIVITY.

2-28 SECTION 2. The change in law made by this Act applies only  
2-29 to a cause of action that accrues on or after the effective date of  
2-30 this Act.

2-31 SECTION 3. This Act takes effect immediately if it receives  
2-32 a vote of two-thirds of all the members elected to each house, as  
2-33 provided by Section 39, Article III, Texas Constitution. If this  
2-34 Act does not receive the vote necessary for immediate effect, this  
2-35 Act takes effect September 1, 2023.

2-36 \* \* \* \* \*