

1-1 By: Campbell S.B. No. 847
1-2 (In the Senate - Filed January 17, 2025; February 13, 2025,
1-3 read first time and referred to Committee on State Affairs;
1-4 March 5, 2025, reported favorably by the following vote: Yeas 11,
1-5 Nays 0; March 5, 2025, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Hughes	X		
1-9	Paxton	X		
1-10	Bettencourt	X		
1-11	Birdwell	X		
1-12	Hall	X		
1-13	Hinojosa of Nueces	X		
1-14	Middleton	X		
1-15	Parker	X		
1-16	Perry	X		
1-17	Schwertner	X		
1-18	Zaffirini	X		

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

1-21 relating to liability of a cavern entity for injuries arising from
1-22 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 75C to read as follows:

1-26 CHAPTER 75C. LIMITED LIABILITY FOR CAVERN ACTIVITIES

1-27 Sec. 75C.001. DEFINITIONS. In this chapter:

1-28 (1) "Cavern activity" means an activity inside a
1-29 cavern at a cavern area for recreational or educational purposes.

1-30 (2) "Cavern activity participant" means an
1-31 individual, other than an employee of a cavern entity, who engages
1-32 in a cavern activity.

1-33 (3) "Cavern activity participant injury" means an
1-34 injury sustained by a cavern activity participant, including bodily
1-35 injury, emotional distress, death, property damage, or any other
1-36 loss arising from the person's participation in a cavern activity.

1-37 (4) "Cavern area" means a commercial property with a
1-38 natural cavern designed to provide cavern access for cavern
1-39 activities.

1-40 (5) "Cavern entity" means a person engaged in the
1-41 business of owning or operating a cavern area.

1-42 Sec. 75C.002. LIMITED LIABILITY. (a) Except as provided by
1-43 Subsection (b), a cavern entity is not liable to any person for a
1-44 cavern activity participant injury or damages arising out of a
1-45 cavern activity participant injury if, at the time of the cavern
1-46 activity participant injury, the warning prescribed by Section
1-47 75C.003 was posted in accordance with that section.

1-48 (b) This section does not limit liability for an injury:

1-49 (1) proximately caused by:

1-50 (A) the cavern entity's negligence with regard to
1-51 the safety of the cavern area or cavern activity participant;

1-52 (B) a potentially dangerous condition at the
1-53 cavern area, including inside the cavern at the cavern area, of
1-54 which the cavern entity knew or reasonably should have known; or

1-55 (C) the cavern entity's failure to train or
1-56 improper training of an employee of the cavern entity actively
1-57 involved in the cavern area or a cavern activity; or

1-58 (2) intentionally caused by the cavern entity.

1-59 Sec. 75C.003. POSTED WARNING. For the purposes of
1-60 limitation of liability under Section 75C.002(a), a cavern entity
1-61 must post and maintain a sign in a clearly visible location at each

2-1 entrance to a cavern at a cavern area. The sign must contain the
2-2 following language:

2-3 WARNING

2-4 TEXAS LAW (CHAPTER 75C, CIVIL PRACTICE AND REMEDIES CODE) LIMITS
2-5 THE LIABILITY OF A CAVERN ENTITY FOR INJURIES OR DEATH OF A CAVERN
2-6 ACTIVITY PARTICIPANT RESULTING FROM A CAVERN ACTIVITY.

2-7 SECTION 2. The change in law made by this Act applies only
2-8 to a cause of action that accrues on or after the effective date of
2-9 this Act.

2-10 SECTION 3. This Act takes effect immediately if it receives
2-11 a vote of two-thirds of all the members elected to each house, as
2-12 provided by Section 39, Article III, Texas Constitution. If this
2-13 Act does not receive the vote necessary for immediate effect, this
2-14 Act takes effect September 1, 2025.

2-15 * * * * *