

BILL ANALYSIS

H.B. 1478
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Camping, like many other outdoor activities, comes with inherent risks that arise from encountering a variety of conditions. Even so, some campers have filed lawsuits against RV parks and campground entities in attempts to place blame for injuries beyond the property owners' control. H.B. 1478 seeks to remedy this situation by exempting RV parks and campground entities from certain liability for damages resulting from risks inherent to camping.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1478 amends the Civil Practice and Remedies Code to exempt a recreational vehicle park or campground entity from liability to any person for an injury sustained by a participant in a recreational or educational activity at the park or campground or for damages arising out of such an injury if, at the time of the activity from which the injury arises, a prescribed warning sign was posted and maintained in a clearly visible location on or near the park or campground. The bill sets out the required language of that sign. The bill's limitation on liability is in addition to other limitations of liability and does not limit liability for the following injuries:

- an injury intentionally caused by the recreational vehicle park or campground entity; or
- an injury proximately caused by:
 - the entity's negligence evidencing a disregard for the safety of the activity participant;
 - a potentially dangerous condition on the land, facilities, or equipment used in the activity, of which the entity had actual knowledge or reasonably should have known; or
 - the entity's failure to train or improper training of an employee of the entity actively involved in a park or campground activity.

H.B. 1478 defines, among other terms, "recreational vehicle park entity" and "campground entity" as a person engaged in the business of owning or operating a recreational vehicle park or campground, respectively. The bill clarifies that an employee of such an entity is not considered a participant in an activity and that applicable injuries include bodily injury, emotional distress, death, property damage, or any other loss arising from a person's conduct of or participation in an activity.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.