

By: Cyrier, White

H.B. No. 1478

A BILL TO BE ENTITLED

AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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

CHAPTER 75B. LIMITED LIABILITY FOR RECREATIONAL VEHICLE PARK AND
CAMPGROUND ACTIVITIES

Sec. 75B.001. DEFINITIONS. In this chapter:

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

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

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

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

(5) "Recreational vehicle park or campground activity" means an activity at a recreational vehicle park or campground for recreational or educational purposes.

(6) "Recreational vehicle park or campground participant" means an individual, other than an employee of a

1 recreational vehicle park or campground entity, who engages in a
2 recreational vehicle park or campground activity.

3 (7) "Recreational vehicle park or campground
4 participant injury" means an injury sustained by a recreational
5 vehicle park or campground participant, including bodily injury,
6 emotional distress, death, property damage, or any other loss
7 arising from the person's conduct of or participation in a
8 recreational vehicle park or campground activity.

9 Sec. 75B.002. LIMITED LIABILITY. (a) Except as provided
10 by Subsection (b), a recreational vehicle park or campground entity
11 is not liable to any person for a recreational vehicle park or
12 campground participant injury or damages arising out of a
13 recreational vehicle park or campground participant injury if, at
14 the time of the recreational vehicle park or campground activity
15 from which the injury arises, the warning prescribed by Section
16 75B.003 was posted in accordance with that section.

17 (b) This section does not limit liability for an injury:

18 (1) proximately caused by:

19 (A) the recreational vehicle park or campground
20 entity's negligence evidencing a disregard for the safety of the
21 recreational vehicle park or campground participant;

22 (B) a potentially dangerous condition on the
23 land, facilities, or equipment used in the activity, of which the
24 recreational vehicle park or campground entity had actual knowledge
25 or reasonably should have known; or

26 (C) the recreational vehicle park or campground
27 entity's failure to train or improper training of an employee of the

1 recreational vehicle park or campground entity actively involved in
2 a recreational vehicle park or campground activity; or

3 (2) intentionally caused by the recreational vehicle
4 park or campground entity.

5 (c) A limitation on liability provided by this section to a
6 recreational vehicle park or campground entity is in addition to
7 other limitations of liability.

8 Sec. 75B.003. POSTED WARNING. For the purposes of
9 limitation of liability under Section 75B.002(a), a recreational
10 vehicle park or campground entity must post and maintain a sign in a
11 clearly visible location on or near the recreational vehicle park
12 or campground. The sign must contain the following language:

13 WARNING
14 UNDER TEXAS LAW (CHAPTER 75B, CIVIL PRACTICE AND REMEDIES CODE), A
15 RECREATIONAL VEHICLE PARK OR CAMPGROUND ENTITY IS NOT LIABLE FOR
16 ANY INJURY TO OR DEATH OF A RECREATIONAL VEHICLE PARK OR CAMPGROUND
17 PARTICIPANT RESULTING FROM A RECREATIONAL VEHICLE PARK OR
18 CAMPGROUND ACTIVITY.

19 SECTION 2. The change in law made by this Act applies only
20 to a cause of action that accrues on or after the effective date of
21 this Act.

22 SECTION 3. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2021.