

BILL ANALYSIS

Senate Research Center
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H.B. 2636
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State Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Recreational vehicle parks and campgrounds are an important part of the overall tourism industry in the United States with a total economic impact of over \$113 billion, with total taxes equaling \$12 billion.

In Texas, recreational vehicle parks and campgrounds provide approximately \$6 billion in total economic impact with a total of \$272 million in state taxes. As a result, many hard-working taxpayers find work in this vibrant industry.

Camping, like other outdoor activities, has its inherent risks, whether it be uneven terrain, weather conditions, natural vegetation, natural bodies of water, insects, or animals. Camping also allows people to engage in activities that they might not do in their normal everyday life such as running, biking, and other physical activities.

H.B. 2636 seeks to ensure that the camping industry remains vibrant in Texas by providing certain liability protections to the owner of a recreational vehicle park or campground for damages or injuries resulting from risks inherent to camping that are beyond the owner's control.

H.B. 2636 amends current law relating to liability of a recreational vehicle park or campground entity for injuries arising from certain activities.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 4, Civil Practice and Remedies Code, by adding Chapter 75B, as follows:

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

Sec. 75B.001. DEFINITIONS. Defines "campground," "campground entity," "recreational vehicle park," "recreational vehicle park entity," "recreational vehicle park or campground activity," "recreational vehicle park or campground participant," and "recreational vehicle park or campground participant injury."

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

(b) Provides that this section does not limit liability for an injury:

(1) proximately caused by:

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

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

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

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

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

Sec. 75B.003. POSTED WARNING. Requires a recreational vehicle park or campground entity for the purposes of limitation of liability under Section 75B.002(a), to post and maintain a sign in a clearly visible location on or near the recreational vehicle park or campground. Sets forth the language required to be included on the sign.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: upon passage or September 1, 2023.