

BILL ANALYSIS

C.S.H.B. 2636

By: Murr

Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

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 for people to engage in activities that they might not do in their normal everyday life such as running, biking, and other physical activities. C.S.H.B. 2636 seeks to ensure that the camping industry remains vibrant in Texas by providing certain liability protections to the owner of an RV park or campground for damages or injuries resulting from risks inherent to camping that are beyond the owner's control.

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

C.S.H.B. 2636 amends the Civil Practice and Remedies Code to exempt a person who owns or operates a recreational vehicle park or campground from liability 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, a warning sign was posted and maintained in a clearly visible location on or near the recreational vehicle park or campground alerting persons to the fact that state law limits the owner's or operator's liability for injuries or death of a recreational vehicle park or campground participant resulting from a recreational vehicle park or campground activity. This limitation on liability is in addition to other limitations of liability.

C.S.H.B. 2636 expressly does not limit liability for an injury intentionally caused by the recreational vehicle park or campground entity or for an injury proximately caused by one of the following:

- the entity's negligence with regard for the participant's safety;
- 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 actively involved in a recreational vehicle park or campground activity.

C.S.H.B. 2636 defines the following terms:

- "campground" as a commercial property designed to provide cabins for transient guest use or areas for locating recreational vehicles or tents for transient guest use;
- "recreational vehicle park" by reference as a commercial property that is designed primarily for recreational vehicle transient guest use for which fees for site service connections for recreational vehicles are paid daily, weekly, or monthly;
- "recreational vehicle park or campground activity" as an activity at a recreational vehicle park or campground for recreational or educational purposes;
- "recreational vehicle park or campground participant" as an individual, other than an employee of the recreational vehicle park or campground, who engages in a recreational vehicle park or campground activity; and
- "recreational vehicle park or campground participant injury" as an injury sustained by a recreational vehicle park or campground participant, including bodily injury, emotional distress, death, property damage, or any other loss arising from the person's conduct of or participation in a recreational vehicle park or campground activity.

C.S.H.B. 2636 applies only to a cause of action that accrues on or after the bill's effective date.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

C.S.H.B. 2636 differs from the introduced in minor or nonsubstantive ways by conforming to certain bill drafting conventions.