

By: Darby

H.B. No. 63

A BILL TO BE ENTITLED

AN ACT

relating to requirements for campgrounds located in a floodway;
authorizing an administrative penalty; providing a private cause of
action.

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

SECTION 1. Subtitle A, Title 9, Health and Safety Code, is
amended by adding Chapter 761 to read as follows:

CHAPTER 761. CAMPGROUNDS

Sec. 761.001. DEFINITIONS. In this chapter:

(1) "Campground" means a public or private property
designed to provide cabins for transient guest use or areas for
locating a tent, tent trailer, pickup camper, recreational vehicle,
trailer, or other equipment designed for camping for transient
guest use.

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

(3) "Division" means the Texas Division of Emergency
Management.

(4) "Floodway" means an area identified on the most
recent flood hazard map published by the Federal Emergency
Management Agency under the National Flood Insurance Act of 1968
(42 U.S.C. Section 4001 et seq.) as a regulatory floodway,
including the channel of a river or other watercourse and the
adjacent land areas reserved for the discharge of a 100-year flood

1 without cumulatively increasing the water surface elevation more
2 than a designated height.

3 Sec. 761.002. REQUIRED APPROVAL OF CAMPGROUND CONSTRUCTION
4 IN FLOODWAY. (a) This section applies only to a campground for
5 which a construction permit is issued or, if a permit is not
6 required, construction begins on or after March 1, 2026.

7 (b) A campground entity may not construct or expand a
8 campground or a campground structure, including a temporary
9 structure used for overnight accommodations, at a location within a
10 floodway unless:

11 (1) the entity submits to the division in the form and
12 manner the division prescribes the entity's construction plans; and

13 (2) the division approves the entity's plans.

14 (c) The division shall review and approve a campground
15 entity's construction plans submitted under Subsection (b) if the
16 division determines the plans:

17 (1) minimize or prevent flooding of the campground or
18 any campground structure;

19 (2) allow for the safe evacuation of campground
20 occupants;

21 (3) provide access routes for emergency responders
22 entering the campground; and

23 (4) meet any other requirements prescribed by division
24 rule.

25 (d) The division shall adopt rules to implement this
26 section, including rules prescribing:

27 (1) campground structure standards and the compliance

1 required for approval of a campground entity's construction plans;

2 (2) the form and manner for a campground entity to
3 submit to the division the entity's construction plans; and

4 (3) procedures for reviewing and approving a
5 campground entity's construction plans, including procedures
6 allowing the entity to revise and resubmit plans the division
7 determines are insufficient.

8 Sec. 761.003. FLOODWAY NOTICE REQUIRED. A campground
9 entity shall conspicuously post on the entity's Internet website
10 notice of:

11 (1) each entity campground located wholly or partly in
12 a floodway; and

13 (2) for a campground located partly in a floodway, the
14 specific campground areas and structures within the floodway.

15 Sec. 761.004. ADMINISTRATIVE PENALTY. (a) The division
16 may assess an administrative penalty in an amount not to exceed
17 \$1,000 against a campground entity for each violation of Section
18 761.002 or 761.003.

19 (b) Each day a violation continues or occurs is a separate
20 violation for purposes of imposing an administrative penalty under
21 this section.

22 (c) On request by the division, the attorney general may
23 file suit against a campground entity to recover an administrative
24 penalty assessed under this section. The attorney general may
25 recover, on behalf of the attorney general and the division,
26 reasonable expenses and costs.

27 Sec. 761.005. CIVIL ACTION. (a) A campground entity that

1 violates Section 761.002 or 761.003 is liable in a civil action for
2 personal injury, death, or other damages caused to a person by the
3 violation.

4 (b) A court may award a prevailing claimant reasonable and
5 necessary attorney's fees and costs incurred in bringing an action
6 under this section.

7 SECTION 2. As soon as possible after the effective date of
8 this Act, the Texas Division of Emergency Management shall adopt
9 the rules required by Chapter 761, Health and Safety Code, as added
10 by this Act.

11 SECTION 3. (a) Notwithstanding Section 761.002 or
12 761.003, Health and Safety Code, as added by this Act, a campground
13 entity is not required to comply with those sections until March 1,
14 2026.

15 (b) Section 761.005, Health and Safety Code, as added by
16 this Act, applies only to a cause of action that accrues on or after
17 March 1, 2026.

18 SECTION 4. This Act takes effect immediately if it receives
19 a vote of two-thirds of all the members elected to each house, as
20 provided by Section 39, Article III, Texas Constitution. If this
21 Act does not receive the vote necessary for immediate effect, this
22 Act takes effect on the 91st day after the last day of the
23 legislative session.