

BILL ANALYSIS

C.S.H.B. 1130

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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The bill author has informed the committee that a constituent who operates a cavern has expressed concerns about being held liable for injuries that may result from cavern activities despite taking proper steps to prevent accidents. Cavern activities, such as recreational or educational events inside natural caverns, can involve inherent risks, but a lack of legal protection for cavern operators could expose these businesses to frivolous lawsuits.

C.S.H.B. 1130 seeks to create a legal framework that balances the need to protect businesses from excessive litigation with the safety of their customers by limiting the liability of cavern entities for injuries sustained during cavern activities, provided they post a warning sign in a clearly visible location at each entrance informing cavern activity participants of the limited liability for injuries or death of a participant resulting from such activities. The bill does not protect cavern entities from liability in cases of negligence regarding safety, known dangerous conditions, improper employee training, or intentional harm.

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. 1130 amends the Civil Practice and Remedies Code to exempt a cavern entity from liability to any person for a cavern activity participant injury if, at the time of such injury, a sign containing a warning about this liability limit was posted and maintained by the cavern entity in a clearly visible location at each entrance to a cavern at a cavern area. The bill prescribes the required language of the warning sign.

C.S.H.B. 1130 expressly does not limit liability for an injury intentionally caused by the cavern entity or proximately caused by the following:

- the cavern entity's negligence with regard to the safety of the cavern area or cavern activity participant;
- a potentially dangerous condition at the cavern area, of which the cavern entity knew or reasonably should have known; or
- the cavern entity's failure to train or improper training of an employee of the cavern entity actively involved in the cavern area or a cavern activity.

The bill establishes that a limitation on liability provided by the bill's provisions to a cavern entity is in addition to other limitations of liability.

C.S.H.B. 1130 defines the following terms:

- "cavern activity" means an activity inside a cavern at a cavern area for recreational or educational purposes;
- "cavern activity participant" means an individual, other than an employee of a cavern entity, who engages in a cavern activity;
- "cavern activity participant injury" means an injury sustained by a cavern activity participant, including bodily injury, emotional distress, death, property damage, or any other loss arising from the person's participation in a cavern activity;
- "cavern area" means a commercial property with a natural cavern designed to provide cavern access for cavern activities; and
- "cavern entity" means a person engaged in the business of owning or operating a cavern area.

C.S.H.B. 1130 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, 2025.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 1130 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes a provision absent from the introduced establishing that a limitation on liability provided by the bill's provisions to a cavern entity is in addition to other limitations of liability.