

BILL ANALYSIS

Senate Research Center
89R8898 AMF-F

S.B. 847
By: Campbell
State Affairs
2/20/2025
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

This bill aims to limit the liability of cavern entities for injuries or deaths of participants resulting from cavern activities. Tourism is a vital resource for the Texas economy which boasts of many natural caverns. Like many recreational activities, caverns can pose inherent and foreseeable risks to participants. Therefore, S.B. 847 introduces a limitation of liability for cavern entities, provided they post a warning sign informing participants of the limited liability. The bill does not limit liability in cases where injuries are caused by the cavern entity's negligence, hazardous conditions, failure to train employees, or intentional acts. This liability requirement brings cavern entities in line with other tourism destinations like recreational vehicle parks.

As proposed, S.B. 847 amends current law relating to liability of a cavern 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 75C, as follows:

CHAPTER 75C. LIMITED LIABILITY FOR CAVERN ACTIVITIES

Sec. 75C.001. DEFINITIONS. Defines "cavern activity," "cavern activity participant," "cavern activity participant injury," "cavern area," and "cavern entity."

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

(b) Provides that this section does not limit liability for an injury proximately caused by 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, including inside the cavern 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; or an injury intentionally caused by the cavern entity.

Sec. 75C.003. POSTED WARNING. Requires a cavern entity, for the purposes of limitation of liability under Section 75C.002(a), to post and maintain a sign in a clearly visible location at each entrance to a cavern at a cavern area. Sets forth the required language to be included on the sign.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: upon passage or September 1, 2025.