

By: Isaac, Hayes, et al.

H.B. No. 1130

A BILL TO BE ENTITLED

AN ACT

relating to liability of a cavern entity for injuries arising from certain activities.

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

SECTION 1. Title 4, Civil Practice and Remedies Code, is amended by adding Chapter 75C to read as follows:

CHAPTER 75C. LIMITED LIABILITY FOR CAVERN ACTIVITIES

Sec. 75C.001. DEFINITIONS. In this chapter:

(1) "Cavern activity" means an activity inside a cavern at a cavern area for recreational or educational purposes.

(2) "Cavern activity participant" means an individual, other than an employee of a cavern entity, who engages in a cavern activity.

(3) "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.

(4) "Cavern area" means a commercial property with a natural cavern designed to provide cavern access for cavern activities.

(5) "Cavern entity" means a person engaged in the business of owning or operating a cavern area.

Sec. 75C.002. LIMITED LIABILITY. (a) Except as provided by Subsection (b), a cavern entity is not liable to any person for 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) This section does not limit liability for an injury:

(1) proximately caused by:

(A) the cavern entity's negligence with regard to the safety of the cavern area or cavern activity participant;

(B) a potentially dangerous condition at the cavern area, of which the cavern entity knew or reasonably should have known; or

(C) 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

(2) intentionally caused by the cavern entity.

(c) A limitation on liability provided by this section to a cavern entity is in addition to other limitations of liability.

Sec. 75C.003. POSTED WARNING. For the purposes of limitation of liability under Section 75C.002(a), a cavern entity must post and maintain a sign in a clearly visible location at each entrance to a cavern at a cavern area. The sign must contain the following language:

WARNING

TEXAS LAW (CHAPTER 75C, CIVIL PRACTICE AND REMEDIES CODE) LIMITS THE LIABILITY OF THE OWNER OR OPERATOR OF A CAVERN FOR INJURIES OR DEATH OF A CAVERN ACTIVITY PARTICIPANT RESULTING FROM A CAVERN ACTIVITY.

SECTION 2. The change in law made by this Act applies only

1 to a cause of action that accrues on or after the effective date of  
2 this Act.

3       SECTION 3. This Act takes effect immediately if it receives  
4 a vote of two-thirds of all the members elected to each house, as  
5 provided by Section 39, Article III, Texas Constitution. If this  
6 Act does not receive the vote necessary for immediate effect, this  
7 Act takes effect September 1, 2025.