

By: Campbell

S.B. No. 847

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

1 cavern activity participant injury or damages arising out of a  
2 cavern activity participant injury if, at the time of the cavern  
3 activity participant injury, the warning prescribed by Section  
4 75C.003 was posted in accordance with that section.

5 (b) This section does not limit liability for an injury:

6 (1) proximately caused by:

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

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

12 (C) the cavern entity's failure to train or  
13 improper training of an employee of the cavern entity actively  
14 involved in the cavern area or a cavern activity; or

15 (2) intentionally caused by the cavern entity.

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

21 WARNING

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

25 SECTION 2. The change in law made by this Act applies only  
26 to a cause of action that accrues on or after the effective date of  
27 this Act.

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