

BILL ANALYSIS

C.S.H.B. 3266
By: Guillen
Culture, Recreation & Tourism
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that recreational vehicle parks, otherwise known as RV parks, play a significant role in the state's economy and the travel and tourism sector and are owned by small and local entrepreneurs as well as by larger corporations. These parties emphasize that the state's RV parks are a great way for visitors to have a unique stay and enjoy all that Texas has to offer and that the parks also provide a great haven for "Winter Texans" who come from the northern reaches of the United States and Canada. The parties assert that having world-class RV parks is essential to attracting more visitors and capital investment to the state. C.S.H.B. 3266 seeks to provide for certain standards that have been adopted in other states and have helped ensure predictability and transparency for the RV park owner.

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 rulemaking authority is expressly granted to a governmental entity, as that term is defined by the bill, in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 3266 amends the Health and Safety Code to set out provisions relating to recreational vehicle park and campground construction standards applicable to a campground or recreational vehicle park consisting of a privately owned parcel or tract of land under the control of a person, organization, or other entity, other than a governmental entity, on which sites for recreational vehicles, recreational park trailers, or other camping units are offered primarily for transient guest use by the public or members of an organization for overnight stays. The bill defines "governmental entity" as the state, an agency of the state, or a political subdivision of the state.

C.S.H.B. 3266 requires an applicable campground or recreational vehicle park to comply with the National Fire Protection Association 1194, Standard for Recreational Vehicle Parks and Campgrounds, 2014 Edition, other than Section 1.1.1. The bill authorizes a governmental entity to adopt a law, policy, rule, regulation, ordinance, or order that regulates environmental health and sanitation, safety of electrical distribution systems, safety of liquefied petroleum gas storage and dispensing, or fire protection, provided that the law, policy, rule, regulation, ordinance, or order does not impose standards more stringent than the bill's minimum standards.

C.S.H.B. 3266 does not require a recreational vehicle park or campground operating on the bill's effective date to comply with the bill's provisions before September 1, 2016. The bill subjects such a recreational vehicle park or campground, during the period following the bill's effective date until the date the recreational vehicle park or campground is in compliance with the bill's

provisions, to any other state or local laws, policies, rules, regulations, ordinances, or orders applicable to a recreational vehicle park or campground.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3266 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Chapter 2005, Texas Business & Commerce Code is hereby added:

(a) The National Fire Protection Association (NFPA) has adopted standards for the design and safety of Recreational Vehicle Parks and Campgrounds, pursuant to procedures that have given diverse views an opportunity to be considered and which indicate that interested and affected parties have reached substantial agreement on their adoption.

(b) For purposes of this Chapter, "Recreational Vehicle Park" or "Campground" shall mean any parcel or tract of land under the control of any person, organization, or governmental entity wherein two or more recreational vehicle, recreational park trailer, and/or other camping unit sites are offered for use by the public or members of an organization for overnight stays.

(c) Adopted Maximum Safety Standards. The Legislature adopts by reference NFPA 1194, Standard for Recreational Vehicle Parks and Campgrounds, 2014 Edition in full, except for sections 1.1.1 and 1.2. A

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subtitle A, Title 9, Health and Safety Code, is amended by adding Chapter 769 to read as follows:

CHAPTER 769. RECREATIONAL VEHICLE PARKS AND CAMPGROUNDS CONSTRUCTION STANDARDS

Sec. 769.001. DEFINITIONS. In this chapter:

(1) "Governmental entity" means the state, an agency of the state, or a political subdivision of the state.

(2) "NFPA" means the National Fire Protection Association.

Sec. 769.002. APPLICABILITY. This chapter applies to a campground or recreational vehicle park consisting of a privately owned parcel or tract of land under the control of a person, organization, or other entity, other than a governmental entity, on which sites for recreational vehicles, recreational park trailers, or other camping units are offered primarily for transient guest use by the public or members of an organization for overnight stays.

Sec. 769.003. MINIMUM STANDARDS. A campground or recreational vehicle park to which this chapter applies must comply with the NFPA 1194, Standard for Recreational Vehicle Parks and Campgrounds, 2014

regulation, charter, or ordinance promulgated by a governmental entity of this State may not impose stricter standards on the construction of Recreational Vehicle Parks and Campgrounds or on the expansion of existing Recreational Vehicle Parks and Campgrounds from those standards outlined in NFPA 1194, Standard for Recreational Vehicle Parks and Campgrounds, 2014 Edition.

(d) It is the intent of the Legislature that this Chapter shall exclusively govern the safety standards imposed on the construction or expansion of Recreational Vehicle Parks and Campgrounds of this State. This Chapter shall preempt all contrary local ordinances, executive orders, legislation, rules, or regulations adopted by the State or any other governmental entity of this State. Any contrary local ordinances, executive orders, legislation, rules, or regulations adopted by the State or any other governmental entity of this State are void.

(e) For purposes of this section, "contrary" shall mean (1) inconsistent with NFPA 1194, Standard for Recreational Vehicle Parks and Campgrounds, 2014 Edition, and (2) consistent with NFPA 1194, Standard for Recreational Vehicle Parks and Campgrounds, 2014 Edition, but stricter than NFPA 1194, Standard for Recreational Vehicle Parks and Campgrounds, 2014 Edition.

No equivalent provision.

Edition, other than Section 1.1.1.

Sec. 769.004. EFFECT OF OTHER LAW. A governmental entity may adopt a law, policy, rule, regulation, ordinance, or order that regulates environmental health and sanitation, safety of electrical distribution systems, safety of liquefied petroleum gas storage and dispensing, or fire protection, provided that the law, policy, rule, regulation, ordinance, or order does not impose standards more stringent than the standards under Section 769.003.

No equivalent provision.

SECTION 2. (a) Notwithstanding Chapter 769, Health and Safety Code, as added by this Act, a recreational vehicle park or campground to which that chapter applies operating on the effective date of this Act is not required to comply with that chapter before September 1, 2016.

(b) Notwithstanding Section 769.004, Health and Safety Code, as added by this Act, a recreational vehicle park or campground described by Subsection (a) of this section, during the period following the effective date of this Act until the date the recreational vehicle park or campground is in compliance with Chapter 769, Health and Safety Code, as added by this Act, is subject to any other state

or local laws, policies, rules, regulations, ordinances, or orders applicable to a recreational vehicle park or campground.

SECTION 2. This Act takes effect September 1, 2015, for new Recreational Vehicle Parks and Campgrounds, and additions to existing Recreational Vehicle Parks and Campgrounds.

SECTION 3. This Act takes effect September 1, 2015.