

SUBJECT: Limiting liability for recreational vehicle parks or campground entities

COMMITTEE: Judiciary & Civil Jurisprudence — committee substitute recommended

VOTE: 9 ayes — Leach, Julie Johnson, Davis, Flores, Moody, Murr, Schofield, Slawson, Vasut

0 nays

WITNESSES: For — Michael Moore, Texas Association of Campground Owners (*Registered, but did not testify*: Steve Koebele, American Property Casualty Insurance Association; Annie Spilman, NFIB; Lee Parsley, Texans for Lawsuit Reform; Randall Dally, Ron Hinkle, Texas Association of Campground Owners; Mark Borskey, Texas Recreational Vehicle Association; Thomas Parkinson)

Against — None

On — Jack Walker, Texas Trial Lawyers Association (*Registered, but did not testify*: Craig Eiland, Texas Trial Lawyers Association)

DIGEST: **Limited liability.** CSHB 2636 would exempt a person engaged in the business of owning or operating a recreational vehicle park or campground from liability to any person for:

- recreational vehicle park or campground participant injuries; or
- damages arising out of a recreational vehicle park or campground injury, if the warning established within the bill was posted.

The prescribed warning established by the bill would have to be posted and maintained in a clearly visible location on or near the recreational vehicle park or campground. The posted warning would be required to contain the following language:

*"Warning: Texas Law (Chapter 75B, Civil Practice and Remedies Code) limits the liability of a recreational vehicle park or*

*campground entity for injuries or death of a recreational vehicle park or campground participant resulting from a recreational vehicle park or campground activity."*

**Exceptions.** The bill would not limit liability for an injury that was proximately caused by:

- negligence with regard to the safety of recreational vehicle park or campground participants;
- a potentially dangerous condition which was known or reasonably should have been known by the park or campground entity; or
- the recreational vehicle park or campground entity's failure to train or improper training of an employee actively involved in a recreational vehicle park or campground activity.

The bill also would not limit liability for an injury that was intentionally caused by the recreational vehicle park or campground entity.

The limitation on liability provided by the bill would be in addition to other limitations of liability.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2023. The bill would only apply to causes of action that accrued on or after the effective date.

**SUPPORTERS  
SAY:**

CSHB 2636 would benefit recreational vehicle parks and campgrounds by providing them with legal protection against liability for injuries that could arise from the inherent hazards of outdoor activities, such as natural dangers and physical exertion. Campers would still retain the ability to take legal action for certain acts of negligence. In recent years, park operators have been especially vulnerable to frivolous lawsuits, leading insurance companies to seek settlements which have resulted in higher premiums for these operators. The liability protections created by the bill are already held by state and federal parks, and similar legislation extends these protections to campgrounds and RV parks in other states.

CRITICS  
SAY:

No concerns identified.