

BILL ANALYSIS

C.S.H.B. 2613
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Committee Report (Substituted)

BACKGROUND AND PURPOSE

Individuals who visit waterparks often encounter conditions such as wet, slippery surfaces that are synonymous with a waterpark's existence and may lead to an individual slipping while running and getting injured. The bill author has informed the committee that incidents like this have resulted in individuals suing waterparks for injuries and has caused insurance companies to weigh the cost of litigation to the cost of settlement, with the companies often opting for the latter. The bill author has also informed the committee that while this is a practical business decision, it does not address the fact that such lawsuits should have never been filed in the first place due to their frivolous nature. C.S.H.B. 2613 seeks to address this issue by providing Texas waterparks protection from liability and nuisance lawsuits in certain circumstances and by requiring waterparks to post a warning sign regarding the limited liability for injury or death of a water park participant.

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 this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2613 amends the Civil Practice and Remedies Code to exempt a water park entity from liability to any person for a water park participant injury if, at the time of the injury, a warning prescribed by the bill was posted at or near the entrance to the water park. The bill requires a water park entity, for the purposes of that limitation of liability, to post and maintain a sign in a clearly visible location at or near the entrance to the water park that contains the following language: "Warning: Texas Law (Chapter 75D, Civil Practice and Remedies Code) limits the liability of the owner or operator of a water park entity for injuries or death of a water park participant resulting from attendance at a water park or participation in a water park activity." The bill expressly does not limit liability for an injury intentionally caused by the water park entity or an injury proximately caused by the following:

- the water park entity's negligence with regard to the safety of the water park, water park activity, or water park participant;
- a potentially dangerous condition at the water park, of which the water park entity knew or reasonably should have known; or
- the water park entity's failure to train or improper training of an employee of the water park entity actively involved in the water park or a water park activity.

The bill establishes that a limitation on liability provided by the bill's provisions to a water park entity is in addition to other limitations of liability.

C.S.H.B. 2613 defines the following terms:

- "water park" as a commercial property designed to provide swimming, bathing, or other water-related recreation, including water activities using swimming pools, water play areas, water slides, splash pads, spray grounds, and lazy rivers, as well as associated facilities and services such as changing rooms, showers, hot tubs, saunas, indoor or outdoor spectator seating areas, picnic areas, and associated retail sales and services;
- "water park activity" as an activity at a water park for recreational or educational purposes;
- "water park entity" as a person engaged in the business of owning or operating a water park;
- "water park participant" as an individual, other than an employee of a water park entity, who attends a water park or engages in a water park activity; and
- "water park participant injury" as an injury sustained by a water park participant, including bodily injury, emotional distress, death, property damage, or any other loss arising from the person's participation in a water park activity or attendance at a water park.

The bill applies only to a cause of action that accrues on or after the bill's effective date.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2025.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 2613 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes a provision absent from the introduced establishing that a limitation on liability provided by the bill's provisions to a water park entity is in addition to other limitations of liability.