

## **BILL ANALYSIS**

Senate Research Center

S.B. 1119  
By: Hughes  
State Affairs  
6/9/2025  
Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

S.B. 1119 would provide protection for nuisance lawsuits for Texas' waterparks. A similar law is already in Texas statute for the agritourism industry and even more recently, the recreational vehicle industry from the 88th legislative session.

The nature of the waterpark business does mean that there are not some hazards, whether it be uneven terrain, weather conditions, equipment, etc. Waterparks also allow activities that a person might not use in their normal everyday life such as swimming, sliding on aquatic equipment, wading, surfing, climbing, water sports, and other physical activities.

This bill would not exonerate a waterpark for all liability or for negligence on their part. It will address that the guest accepts the risks of their participation in waterpark activities.

Many times, an insurance company will weigh the cost of litigation to the cost of settlement and opt for the latter rather than the former. While this is a practical business decision it does not address the fact of frivolous lawsuits filed which should have been fought because of the frivolous nature.

S.B. 1119 would limit the liability of waterparks for the injuries or deaths of park attendees. The park would still be responsible for injuries caused by the poor upkeep of equipment, negligence, poor training of staff, or actions intentionally taken by the waterpark.

However, any other injury would be the responsibility of park participants. The bill would require that signs, informing the public of the park's limited liability, must be visibly posted.

S.B. 1119 amends current law relating to liability of a water park entity for injuries arising from certain activities.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Title 4, Civil Practice and Remedies Code, by adding Chapter 75D, as follows:

#### **CHAPTER 75D. LIMITED LIABILITY FOR WATER PARK AND WATER PARK ACTIVITIES**

Sec. 75D.001. DEFINITIONS. Defines "water park," "water park activity," "water park entity," "water park participant," and "water park participant injury."

Sec. 75D.002. LIMITED LIABILITY. (a) Provides that, except as provided by Subsection (b), a water park entity is not liable to any person for a water park participant injury if, at the time of the water park participant injury, the warning prescribed by Section 75D.003 was posted in accordance with that section.

(b) Provides that this section does not limit liability for an injury:

(1) proximately caused by 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; or

(2) intentionally caused by the water park entity.

Sec. 75D.003. POSTED WARNING. Requires a water park entity, for the purposes of limitation of liability under Section 75D.002(a), to post and maintain a sign in a clearly visible location at or near the entrance to the water. Sets forth the required language of the sign.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: upon passage or September 1, 2025.