

By: Harris Davila

H.B. No. 2613

A BILL TO BE ENTITLED

AN ACT

relating to liability of a water park 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 75D to read as follows:

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

Sec. 75D.001. DEFINITIONS. In this chapter:

(1) "Water park" means 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. The term includes 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.

(2) "Water park activity" means an activity at a water park for recreational or educational purposes.

(3) "Water park entity" means a person engaged in the business of owning or operating a water park.

(4) "Water park participant" means an individual, other than an employee of a water park entity, who attends a water park or engages in a water park activity.

(5) "Water park participant injury" means an injury

1 sustained by a water park participant, including bodily injury,
2 emotional distress, death, property damage, or any other loss
3 arising from the person's participation in a water park activity or
4 attendance at a water park.

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

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

11 (1) proximately caused by:

12 (A) the water park entity's negligence with
13 regard to the safety of the water park, water park activity, or
14 water park participant;

15 (B) a potentially dangerous condition at the
16 water park, of which the water park entity knew or reasonably should
17 have known; or

18 (C) the water park entity's failure to train or
19 improper training of an employee of the water park entity actively
20 involved in the water park or a water park activity; or

21 (2) intentionally caused by the water park entity.

22 Sec. 75D.003. POSTED WARNING. For the purposes of
23 limitation of liability under Section 75D.002(a), a water park
24 entity must post and maintain a sign in a clearly visible location
25 at or near the entrance to the water park. The sign must contain the
26 following language:

27 WARNING

1 TEXAS LAW (CHAPTER 75D, CIVIL PRACTICE AND REMEDIES CODE) LIMITS
2 THE LIABILITY OF THE OWNER OR OPERATOR OF A WATER PARK ENTITY FOR
3 INJURIES OR DEATH OF A WATER PARK PARTICIPANT RESULTING FROM
4 ATTENDANCE AT A WATER PARK OR PARTICIPATION IN A WATER PARK
5 ACTIVITY.

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

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