

CIVIL PRACTICE AND REMEDIES CODE

TITLE 4. LIABILITY IN TORT

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 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.

Added by Acts 2025, 89th Leg., R.S., Ch. 99 (S.B. [1119](#)), Sec. 1, eff. May 21, 2025.

Sec. 75D.002. LIMITED LIABILITY. (a) 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) This section does not limit liability for an injury:

(1) proximately caused by:

(A) the water park entity's negligence with

regard to the safety of the water park, water park activity, or water park participant;

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

(C) 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.

Added by Acts 2025, 89th Leg., R.S., Ch. 99 (S.B. [1119](#)), Sec. 1, eff. May 21, 2025.

Sec. 75D.003. POSTED WARNING. For the purposes of limitation of liability under Section [75D.002\(a\)](#), a water park entity must post and maintain a sign in a clearly visible location at or near the entrance to the water park. The sign must contain 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.

Added by Acts 2025, 89th Leg., R.S., Ch. 99 (S.B. [1119](#)), Sec. 1, eff. May 21, 2025.