

By: Ashby

H.B. No. 1268

Substitute the following for H.B. No. 1268:

By: Romero, Jr.

C.S.H.B. No. 1268

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the definition of amusement ride for purposes of
3 amusement ride regulation.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 2151.002(1), Occupations Code, is
6 amended to read as follows:

7 (1) "Amusement ride" means a mechanical device that
8 carries passengers along, around, or over a fixed or restricted
9 course or within a defined area for the purpose of giving the
10 passengers amusement, pleasure, or excitement. The term does not
11 include:

12 (A) a coin-operated ride that:

13 (i) is manually, mechanically, or
14 electrically operated;

15 (ii) is customarily placed in a public
16 location; and

17 (iii) does not normally require the
18 supervision or services of an operator;

19 (B) nonmechanized playground equipment,
20 including a swing, seesaw, stationary spring-mounted animal
21 feature, rider-propelled merry-go-round, climber, playground
22 slide, trampoline, and physical fitness device; ~~or~~

23 (C) a challenge course or any part of a challenge
24 course that is excepted from this chapter under Section 2151.107;

1 or

2 (D) a waterslide, even if operated by a
3 mechanical device, in which passengers are carried along a course
4 that:

5 (i) is less than 200 feet in length;

6 (ii) is substantially constructed from
7 vinyl or vinyl coated polyester; and

8 (iii) is not mechanically inflated using a
9 continuous airflow device [~~if the person who operates the challenge~~
10 ~~course has an insurance policy currently in effect written by an~~
11 ~~insurance company authorized to do business in this state or by a~~
12 ~~surplus lines insurer, as defined by Chapter 981, Insurance Code,~~
13 ~~or has an independently procured policy subject to Chapter 101,~~
14 ~~Insurance Code, insuring the operator against liability for injury~~
15 ~~to persons arising out of the use of the challenge course, in an~~
16 ~~amount not less than:~~

17 [~~(i) for facilities with a fixed location:~~

18 [~~(a) \$100,000 bodily injury and~~
19 ~~\$50,000 property damage per occurrence, with a \$300,000 annual~~
20 ~~aggregate; or~~

21 [~~(b) a \$150,000 per occurrence~~
22 ~~combined single limit, with a \$300,000 annual aggregate; and~~

23 [~~(ii) for facilities other than those with~~
24 ~~a fixed location:~~

25 [~~(a) \$1,000,000 bodily injury and~~
26 ~~\$500,000 property damage per occurrence; or~~

27 [~~(b) \$1,500,000 per occurrence~~

1 ~~combined single limit~~].

2 SECTION 2. This Act takes effect September 1, 2021.