

By: Ashby

H.B. No. 1268

A BILL TO BE ENTITLED

AN ACT

relating to the definition of amusement ride for purposes of amusement ride regulation.

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

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

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

(A) a coin-operated ride that:

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

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

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

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

(C) a challenge course or any part of a challenge 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 is:

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

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

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

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

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

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

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

26 [~~(b) \$1,500,000 per occurrence~~  
27 ~~combined single limit].~~

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