

By: Eiland

H.B. No. 1892

A BILL TO BE ENTITLED

AN ACT

relating to excluding certain challenge courses from regulation as amusement rides.

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

SECTION 1. Subchapter C, Chapter 2151, Occupations Code, is amended by adding Section 2151.107 to read as follows:

Sec. 2151.107. EXCEPTION FOR CERTAIN CHALLENGE COURSES MEETING INSURANCE REQUIREMENT. (a) In this section, "challenge course" means a challenge, ropes, team building, or obstacle course, which may include logs, tires, platforms, beams, bridges, poles, ropes, ladders, nets, climbing walls, rock climbing walls, climbing towers, traverses, rock climbing devices, cables, swings, or zip lines, that is constructed and used for educational, team and confidence building, or physical fitness purposes.

(b) A challenge course or any part of a challenge course is not considered an amusement ride subject to regulation under this chapter if the person who operates the challenge course has a combined single limit or split limit insurance policy currently in effect written by an insurance company authorized to do business in this state or by a surplus lines insurer, as defined by Chapter 981, Insurance Code, or has an independently procured policy subject to Chapter 101, Insurance Code, insuring the operator against liability for injury to persons arising out of the use of the challenge course in an amount of at least:

1           (1) for a challenge course with a fixed location:

2                   (A) \$100,000 bodily injury and \$50,000 property  
3 damage per occurrence with a \$300,000 annual aggregate; or

4                   (B) a \$150,000 per occurrence combined single  
5 limit with a \$300,000 annual aggregate; and

6           (2) for a challenge course other than one with a fixed  
7 location:

8                   (A) \$1,000,000 bodily injury and \$500,000  
9 property damage per occurrence; or

10                   (B) \$1,500,000 per occurrence combined single  
11 limit.

12           SECTION 2. This Act takes effect immediately if it receives  
13 a vote of two-thirds of all the members elected to each house, as  
14 provided by Section 39, Article III, Texas Constitution. If this  
15 Act does not receive the vote necessary for immediate effect, this  
16 Act takes effect September 1, 2005.