

1-1 By: Eiland (Senate Sponsor - Barrientos) H.B. No. 1892
1-2 (In the Senate - Received from the House May 16, 2005;
1-3 May 17, 2005, read first time and referred to Committee on Business
1-4 and Commerce; May 20, 2005, reported favorably by the following
1-5 vote: Yeas 7, Nays 0; May 20, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to excluding certain challenge courses from regulation as
1-9 amusement rides.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subchapter C, Chapter 2151, Occupations Code, is
1-12 amended by adding Section 2151.107 to read as follows:

1-13 Sec. 2151.107. EXCEPTION FOR CERTAIN CHALLENGE COURSES
1-14 MEETING INSURANCE REQUIREMENT. (a) In this section, "challenge
1-15 course" means a challenge, ropes, team building, or obstacle
1-16 course, which may include logs, tires, platforms, beams, bridges,
1-17 poles, ropes, ladders, nets, climbing walls, rock climbing walls,
1-18 climbing towers, traverses, rock climbing devices, cables, swings,
1-19 or zip lines, that is constructed and used for educational, team and
1-20 confidence building, or physical fitness purposes.

1-21 (b) A challenge course or any part of a challenge course is
1-22 not considered an amusement ride subject to regulation under this
1-23 chapter if the person who operates the challenge course has a
1-24 combined single limit or split limit insurance policy currently in
1-25 effect written by an insurance company authorized to do business in
1-26 this state or by a surplus lines insurer, as defined by Chapter 981,
1-27 Insurance Code, or has an independently procured policy subject to
1-28 Chapter 101, Insurance Code, insuring the operator against
1-29 liability for injury to persons arising out of the use of the
1-30 challenge course in an amount of at least:

1-31 (1) for a challenge course with a fixed location:

1-32 (A) \$100,000 bodily injury and \$50,000 property
1-33 damage per occurrence with a \$300,000 annual aggregate; or

1-34 (B) a \$150,000 per occurrence combined single
1-35 limit with a \$300,000 annual aggregate; and

1-36 (2) for a challenge course other than one with a fixed
1-37 location:

1-38 (A) \$1,000,000 bodily injury and \$500,000
1-39 property damage per occurrence; or

1-40 (B) \$1,500,000 per occurrence combined single
1-41 limit.

1-42 SECTION 2. This Act takes effect immediately if it receives
1-43 a vote of two-thirds of all the members elected to each house, as
1-44 provided by Section 39, Article III, Texas Constitution. If this
1-45 Act does not receive the vote necessary for immediate effect, this
1-46 Act takes effect September 1, 2005.

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