

By: Keffer of Dallas

H.B. No. 2879

A BILL TO BE ENTITLED

AN ACT

relating to requirements for certain 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) for a challenge course with a fixed location:

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

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

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

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

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

11            SECTION 2. Section 2151.101(a), Occupations Code, is  
12 amended to read as follows:

13            (a) A person may not operate an amusement ride unless the  
14 person:

15                    (1) has had the amusement ride inspected at least once  
16 a year by an insurer or a person with whom the insurer has  
17 contracted;

18                    (2) obtains a written certificate from the insurer or  
19 person with whom the insurer has contracted stating that the  
20 amusement ride:

21                            (A) has been inspected;

22                            (B) meets the standards for insurance coverage;

23 and

24                            (C) is covered by the insurance required by  
25 Subdivision (3);

26                    (3) has a combined single limit or split limit ~~[an]~~  
27 insurance policy currently in effect written by an insurance

1 company authorized to do business in this state or by a surplus  
2 lines insurer, as defined by Chapter 981, Insurance Code, or has an  
3 independently procured policy subject to Chapter 101, Insurance  
4 Code, insuring the owner or operator against liability for injury  
5 to persons arising out of the use of the amusement ride in an amount  
6 of not less than:

7 (A) for Class A amusement rides:

8 (i) \$100,000 bodily injury and \$50,000  
9 property damage per occurrence with a \$300,000 annual aggregate; or

10 (ii) a \$150,000 per occurrence combined  
11 single limit with a \$300,000 annual aggregate [~~for Class A~~  
12 ~~amusement rides~~]; and

13 (B) for Class B amusement rides:

14 (i) \$1,000,000 bodily injury and \$500,000  
15 property damage per occurrence; or

16 (ii) \$1,500,000 per occurrence combined  
17 single limit [~~for Class B amusement rides~~];

18 (4) files with the commissioner, as required by this  
19 chapter, the inspection certificate and the insurance policy or a  
20 photocopy of the certificate or policy authorized by the  
21 commissioner; and

22 (5) files with each sponsor, lessor, landowner, or  
23 other person responsible for the amusement ride being offered for  
24 use by the public a photocopy of the inspection certificate and the  
25 insurance policy required by this subsection.

26 SECTION 3. This Act applies only to an insurance policy,  
27 certificate, or contract delivered, issued for delivery, or renewed

1 on or after January 1, 2006. A policy, certificate, or contract  
2 delivered, issued for delivery, or renewed before January 1, 2006,  
3 is governed by the law as it existed immediately before the  
4 effective date of this Act, and that law is continued in effect for  
5 that purpose.

6 SECTION 4. This Act takes effect September 1, 2005.