

By: Keffer of Dallas

H.B. No. 2879

Substitute the following for H.B. No. 2879:

By: Eiland

C.S.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. 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; ~~or~~

(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, which may include logs, tires, platforms, beams, bridges, poles, ladders, nets, climbing walls, climbing towers, traverses, cables, swings, or zip lines,

1 that is constructed and used for educational purposes.

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

4 (a) A person may not operate an amusement ride unless the
5 person:

6 (1) has had the amusement ride inspected at least once
7 a year by an insurer or a person with whom the insurer has
8 contracted;

9 (2) obtains a written certificate from the insurer or
10 person with whom the insurer has contracted stating that the
11 amusement ride:

12 (A) has been inspected;

13 (B) meets the standards for insurance coverage;

14 and

15 (C) is covered by the insurance required by
16 Subdivision (3);

17 (3) has a combined single limit or split limit ~~[an]~~
18 insurance policy currently in effect written by an insurance
19 company authorized to do business in this state or by a surplus
20 lines insurer, as defined by Chapter 981, Insurance Code, or has an
21 independently procured policy subject to Chapter 101, Insurance
22 Code, insuring the owner or operator against liability for injury
23 to persons arising out of the use of the amusement ride in an amount
24 of not less than:

25 (A) for Class A amusement rides:

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

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

4 (B) for Class B amusement rides:

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

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

9 (4) files with the commissioner, as required by this
10 chapter, the inspection certificate and the insurance policy or a
11 photocopy of the certificate or policy authorized by the
12 commissioner; and

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

17 SECTION 3. This Act applies only to an insurance policy,
18 certificate, or contract delivered, issued for delivery, or renewed
19 on or after January 1, 2006. A policy, certificate, or contract
20 delivered, issued for delivery, or renewed before January 1, 2006,
21 is governed by the law as it existed immediately before the
22 effective date of this Act, and that law is continued in effect for
23 that purpose.

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