

By: Keffer of Dallas

H.B. No. 2879

A BILL TO BE ENTITLED

AN ACT

relating to insurance requirements for certain amusement rides.

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

SECTION 1. Section 2151.101(a), Occupations Code, is amended to read as follows:

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

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

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

(A) has been inspected;

(B) meets the standards for insurance coverage;

and

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

(3) has a combined single limit or split limit ~~an~~ 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 owner or operator against liability for injury

1 to persons arising out of the use of the amusement ride in an amount  
2 of not less than:

3 (A) for Class A amusement rides:

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

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

9 (B) for Class B amusement rides:

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

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

14 (4) files with the commissioner, as required by this  
15 chapter, the inspection certificate and the insurance policy or a  
16 photocopy of the certificate or policy authorized by the  
17 commissioner; and

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

22 SECTION 2. This Act applies only to an insurance policy,  
23 certificate, or contract delivered, issued for delivery, or renewed  
24 on or after January 1, 2006. A policy, certificate, or contract  
25 delivered, issued for delivery, or renewed before January 1, 2006,  
26 is governed by the law as it existed immediately before the  
27 effective date of this Act, and that law is continued in effect for

1     that purpose.

2             SECTION 3.   This Act takes effect September 1, 2005.