

By: Laubenberg

H.B. No. 1070

Substitute the following for H.B. No. 1070:

By: Taylor

C.S.H.B. No. 1070

A BILL TO BE ENTITLED

AN ACT

relating to the liability insurance requirements for certain amusement rides that operate in a manner similar to a train.

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) except as provided by Section 2151.1011, 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

1 Chapter 101, Insurance Code, insuring the owner or operator against  
2 liability for injury to persons arising out of the use of the  
3 amusement ride in an amount of not less than:

4 (A) for Class A amusement rides:

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

8 (ii) a \$150,000 per occurrence combined  
9 single limit with a \$300,000 annual aggregate; and

10 (B) for Class B amusement rides:

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

13 (ii) \$1,500,000 per occurrence combined  
14 single limit;

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

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

23 SECTION 2. Subchapter C, Chapter 2151, Occupations Code, is  
24 amended by adding Section 2151.1011 to read as follows:

25 Sec. 2151.1011. LIABILITY INSURANCE FOR CERTAIN AMUSEMENT  
26 RIDES. (a) This section only applies to a Class B amusement ride  
27 that:

1           (1) consists of a motorized vehicle that tows one or  
2 more separate passenger cars in a manner similar to a train, but  
3 without regard to whether the vehicle and cars operate on a fixed  
4 track or course;

5           (2) does not travel under its own power in excess of  
6 five miles per hour;

7           (3) has safety belts for all passengers;

8           (4) does not run on an elevated track;

9           (5) has passenger seating areas enclosed by guardrails  
10 or doors; and

11           (6) does not have passenger cars that rotate  
12 independently from the motorized vehicle.

13           (b) A person may not operate an amusement ride described by  
14 Subsection (a) unless the person has an insurance policy currently  
15 in effect written by an insurance company authorized to conduct  
16 business in this state or by a surplus lines insurer, as defined by  
17 Chapter 981, Insurance Code, or has an independently procured  
18 policy subject to Chapter 101, Insurance Code, insuring the owner  
19 or operator against liability for injury to persons arising out of  
20 the use of the amusement ride in an amount of not less than \$1  
21 million in aggregate for all liability claims occurring in a policy  
22 year.

23           SECTION 3. This Act takes effect immediately if it receives  
24 a vote of two-thirds of all the members elected to each house, as  
25 provided by Section 39, Article III, Texas Constitution. If this  
26 Act does not receive the vote necessary for immediate effect, this  
27 Act takes effect September 1, 2007.