

House Bill 1070
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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 Chapter 101, Insurance Code, insuring the owner or operator against liability for injury to persons arising out of the use of the amusement ride in an amount of not less than:
 - (A) for Class A amusement rides:
 - (i) \$100,000 bodily injury and \$50,000 property damage per occurrence with a \$300,000 annual aggregate; or
 - (ii) a \$150,000 per occurrence combined single limit with a \$300,000 annual aggregate; and

SENATE VERSION

SECTION 1. Section 2151.101, Occupations Code, is amended by amending Subsection (a) and adding Subsection (c) 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 Chapter 101, Insurance Code, insuring the owner or operator against liability for injury to persons arising out of the use of the amusement ride in an amount of not less than:
 - (A) for Class A amusement rides:
 - (i) \$100,000 bodily injury and \$50,000 property damage per occurrence with a \$300,000 annual aggregate; or
 - (ii) a \$150,000 per occurrence combined single limit with a \$300,000 annual aggregate; and

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- (B) for Class B amusement rides:
- (i) \$1,000,000 bodily injury and \$500,000 property damage per occurrence; or
 - (ii) \$1,500,000 per occurrence combined single limit;
- (4) files with the commissioner, as required by this chapter, the inspection certificate and the insurance policy or a photocopy of the certificate or policy authorized by the commissioner; and
- (5) files with each sponsor, lessor, landowner, or other person responsible for the amusement ride being offered for use by the public a photocopy of the inspection certificate and the insurance policy required by this subsection.

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

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

- (1) consists of a motorized vehicle that tows one or more separate passenger cars in a manner similar to a train, but without regard to whether the vehicle and cars operate on a fixed track or course;
- (2) does not travel under its own power in excess of five miles per hour;

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- (B) for Class B amusement rides:
- (i) \$1,000,000 bodily injury and \$500,000 property damage per occurrence; or
 - (ii) \$1,500,000 per occurrence combined single limit;
- (4) files with the commissioner, as required by this chapter, the inspection certificate and the insurance policy or a photocopy of the certificate or policy authorized by the commissioner; and
- (5) files with each sponsor, lessor, landowner, or other person responsible for the amusement ride being offered for use by the public a photocopy of the inspection certificate and the insurance policy required by this subsection.

(c) A local government may satisfy the insurance requirement prescribed by Subsection (a) by obtaining liability coverage through an interlocal agreement.

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

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

- (1) consists of a motorized vehicle that tows one or more separate passenger cars in a manner similar to a train, but without regard to whether the vehicle and cars operate on a fixed track or course;
- (2) does not travel under its own power in excess of five miles per hour;

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- (3) has safety belts for all passengers;
- (4) does not run on an elevated track;
- (5) has passenger seating areas enclosed by guardrails or doors; and
- (6) does not have passenger cars that rotate independently from the motorized vehicle.
- (b) A person may not operate an amusement ride described by Subsection (a) unless the person has an insurance policy currently in effect written by an insurance company authorized to conduct 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 to persons arising out of the use of the amusement ride in an amount of not less than \$1 million in aggregate for all liability claims occurring in a policy year.

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

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- (3) has safety belts for all passengers;
- (4) does not run on an elevated track;
- (5) has passenger seating areas enclosed by guardrails or doors; and
- (6) does not have passenger cars that rotate independently from the motorized vehicle.
- (b) A person may not operate an amusement ride described by Subsection (a) unless the person has an insurance policy currently in effect written by an insurance company authorized to conduct 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 to persons arising out of the use of the amusement ride in an amount of not less than \$1 million in aggregate for all liability claims occurring in a policy year.
- (c) A local government may satisfy the insurance requirement prescribed by Subsection (b) by obtaining liability coverage through an interlocal agreement.

Same as House version.

CONFERENCE