

By: Laubenberg

H.B. No. 855

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of certain inflatable amusement structures; providing a criminal penalty.

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

SECTION 1. Chapter 2151, Occupations Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. INFLATABLE AMUSEMENT STRUCTURES

Sec. 2151.201. DEFINITION. (a) In this subchapter, "inflatable amusement structure" means a structure that:

(1) is fabricated from flexible material;

(2) is inflated by one or more blowers to establish the air pressure necessary to maintain the shape of the structure;

(3) is designed to provide amusement, pleasure, or excitement; and

(4) does not exceed:

(A) a floor area of 250 square feet; or

(B) a height of 12 feet measured from the floor, excluding the blower area, to the top of the structure.

(b) An inflatable amusement structure is not considered an amusement ride for purposes of this chapter.

Sec. 2151.202. INSURANCE REQUIREMENTS. A person may not operate an inflatable amusement structure unless the person has an insurance policy currently in effect written by an insurance company authorized to do business in this state or by a surplus

1 lines insurer, as defined by Chapter 981, Insurance Code, or has an
2 independently procured policy subject to Chapter 101, Insurance
3 Code, insuring the person against liability for injury to a person
4 arising out of the use of the structure, in an amount not less than:

5 (1) \$100,000 per occurrence combined single limit; and

6 (2) \$300,000 aggregate.

7 Sec. 2151.203. ENFORCEMENT; CRIMINAL PENALTY. (a) On
8 request of a municipal, county, or state law enforcement official,
9 the operator of an inflatable amusement structure shall immediately
10 provide to the official a copy of the insurance policy required by
11 Section 2151.202.

12 (b) A municipal, county, or state law enforcement official
13 may immediately prohibit operation of an inflatable amusement
14 structure if the operator fails to comply with Subsection (a).

15 (c) A person commits an offense if the person continues to
16 operate an inflatable amusement structure after a law enforcement
17 official has prohibited the person under Subsection (b) from
18 operating the structure. An offense under this subsection is a
19 Class B misdemeanor.

20 SECTION 2. The heading to Chapter 2151, Occupations Code,
21 is amended to read as follows:

22 CHAPTER 2151. REGULATION OF AMUSEMENT RIDES AND AMUSEMENT
23 STRUCTURES

24 SECTION 3. Subchapter E, Chapter 2151, Occupations Code, as
25 added by this Act, applies only to the operation of an inflatable
26 amusement structure on or after January 1, 2010.

27 SECTION 4. This Act takes effect September 1, 2009.