

By: Smithee

H.B. No. 3570

A BILL TO BE ENTITLED

AN ACT

1
2 relating to insurance coverage requirements for certain amusement
3 rides.

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

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

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

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

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

15 (A) has been inspected;

16 (B) meets the standards for insurance coverage;

17 and

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

20 (3) except as provided by Sections [~~Section~~] 2151.1011
21 and 2151.1012, has a combined single limit or split limit insurance
22 policy currently in effect written by an insurance company
23 authorized to do business in this state or by a surplus lines
24 insurer, as defined by Chapter 981, Insurance Code, or has an

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

5 (A) for Class A amusement rides:

6 (i) \$100,000 bodily injury and \$50,000
7 property damage per occurrence with a \$300,000 annual aggregate; 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 2151.1012 to read as follows:

25 Sec. 2151.1012. LIABILITY INSURANCE FOR CERTAIN OTHER
26 AMUSEMENT RIDES. (a) This section applies only to a Class B
27 amusement ride that:

1 (1) is mechanically inflated using a continuous
2 airflow device; and

3 (2) provides a surface for bouncing and jumping or
4 creates an enclosed space for the purpose of amusement.

5 (b) A person may not operate an amusement ride described by
6 Subsection (a) unless the person has a combined single limit
7 insurance policy currently in effect written by an insurance
8 company authorized to conduct business in this state or by a surplus
9 lines insurer, as defined by Chapter 981, Insurance Code, or has an
10 independently procured policy subject to Chapter 101, Insurance
11 Code, insuring the owner or operator against liability arising out
12 of the use of the amusement ride in an amount of not less than \$1
13 million per occurrence.

14 SECTION 3. This Act takes effect September 1, 2011.