

AN ACT

relating to insurance coverage 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) except as provided by Sections [~~Section~~] 2151.1011 and 2151.1012, 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

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.

President of the Senate

Speaker of the House

I certify that H.B. No. 3570 was passed by the House on May 3, 2011, by the following vote: Yeas 144, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3570 was passed by the Senate on May 17, 2011, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor