

1-1 By: Smithee (Senate Sponsor - Carona) H.B. No. 3570
1-2 (In the Senate - Received from the House May 4, 2011;
1-3 May 5, 2011, read first time and referred to Committee on Business
1-4 and Commerce; May 10, 2011, reported favorably by the following
1-5 vote: Yeas 9, Nays 0; May 10, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to insurance coverage requirements for certain amusement
1-9 rides.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 2151.101(a), Occupations Code, is
1-12 amended to read as follows:

1-13 (a) A person may not operate an amusement ride unless the
1-14 person:

1-15 (1) has had the amusement ride inspected at least once
1-16 a year by an insurer or a person with whom the insurer has
1-17 contracted;

1-18 (2) obtains a written certificate from the insurer or
1-19 person with whom the insurer has contracted stating that the
1-20 amusement ride:

1-21 (A) has been inspected;

1-22 (B) meets the standards for insurance coverage;

1-23 and

1-24 (C) is covered by the insurance required by
1-25 Subdivision (3);

1-26 (3) except as provided by Sections ~~[Section]~~ 2151.1011
1-27 and 2151.1012, has a combined single limit or split limit insurance
1-28 policy currently in effect written by an insurance company
1-29 authorized to do business in this state or by a surplus lines
1-30 insurer, as defined by Chapter 981, Insurance Code, or has an
1-31 independently procured policy subject to Chapter 101, Insurance
1-32 Code, insuring the owner or operator against liability for injury
1-33 to persons arising out of the use of the amusement ride in an amount
1-34 of not less than:

1-35 (A) for Class A amusement rides:

1-36 (i) \$100,000 bodily injury and \$50,000
1-37 property damage per occurrence with a \$300,000 annual aggregate; or

1-38 (ii) a \$150,000 per occurrence combined
1-39 single limit with a \$300,000 annual aggregate; and

1-40 (B) for Class B amusement rides:

1-41 (i) \$1,000,000 bodily injury and \$500,000
1-42 property damage per occurrence; or

1-43 (ii) \$1,500,000 per occurrence combined
1-44 single limit;

1-45 (4) files with the commissioner, as required by this
1-46 chapter, the inspection certificate and the insurance policy or a
1-47 photocopy of the certificate or policy authorized by the
1-48 commissioner; and

1-49 (5) files with each sponsor, lessor, landowner, or
1-50 other person responsible for the amusement ride being offered for
1-51 use by the public a photocopy of the inspection certificate and the
1-52 insurance policy required by this subsection.

1-53 SECTION 2. Subchapter C, Chapter 2151, Occupations Code, is
1-54 amended by adding Section 2151.1012 to read as follows:

1-55 Sec. 2151.1012. LIABILITY INSURANCE FOR CERTAIN OTHER
1-56 AMUSEMENT RIDES. (a) This section applies only to a Class B
1-57 amusement ride that:

1-58 (1) is mechanically inflated using a continuous
1-59 airflow device; and

1-60 (2) provides a surface for bouncing and jumping or
1-61 creates an enclosed space for the purpose of amusement.

1-62 (b) A person may not operate an amusement ride described by
1-63 Subsection (a) unless the person has a combined single limit
1-64 insurance policy currently in effect written by an insurance

2-1 company authorized to conduct business in this state or by a surplus
2-2 lines insurer, as defined by Chapter 981, Insurance Code, or has an
2-3 independently procured policy subject to Chapter 101, Insurance
2-4 Code, insuring the owner or operator against liability arising out
2-5 of the use of the amusement ride in an amount of not less than \$1
2-6 million per occurrence.

2-7 SECTION 3. This Act takes effect September 1, 2011.

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