

By: Carona

S.B. No. 1666

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of amusement rides.

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

SECTION 1. Sections 2151.002(4) and (5) Chapter 2151, Occupations Code, are amended to read as follows:

Sec. 2151.002. DEFINITIONS. In this chapter:

(4) ~~"Commissioner" means the commissioner of insurance.]~~
"Commission" means the Texas Commission of Licensing and Regulation.

(5) "Department" means the Texas Department of Licensing and Regulation [~~Insurance~~].

SECTION 2. Section 2151.051, Chapter 2151, Occupations Code is amended to read as follows:

Sec. 2151.051. GENERAL POWERS AND DUTIES. The department [~~commissioner~~] shall administer and enforce this chapter.

SECTION 3. Section 2151.052(a), Chapter 2151, Occupations Code is amended to read as follows:

Sec. 2151.052. FEES.

(a) The commission [~~commissioner~~] shall establish reasonable and necessary fees ~~, in an amount not to exceed \$40 per year,~~ for each amusement ride covered by this chapter.

SECTION 4. Section 2151.101(a)(4), Chapter 2151, Occupations Code, is amended to read as follows:

Sec. 2151.101. REQUIREMENTS FOR OPERATION. (a) A person

1 may not operate an amusement ride unless the person:

2 (4) files with the department [~~commissioner~~], as
3 required by this chapter, the inspection certificate and the
4 insurance policy or a photocopy of the certificate or policy
5 authorized by the department [~~commissioner~~]; and

6 SECTION 5. Sections 2151.1021(a) and (c), Chapter 2151
7 Occupations Code, are amended to read as follows:

8 Sec. 2151.1021. INSPECTION REQUIREMENTS FOR MOBILE
9 AMUSEMENT RIDES.

10 (a) The commission [~~commissioner~~] shall adopt rules
11 requiring operators of mobile amusement rides to perform
12 inspections of mobile amusement rides, including rules requiring
13 daily inspections of safety restraints.

14 (c) The commission [~~commissioner~~] shall prescribe forms for
15 inspections required under this section and shall require records
16 of the inspections to be made available for inspection by any
17 municipality, county, or state law enforcement officials at any
18 location at which an amusement ride is operated.

19 SECTION 6. Sections 2151.1022(b) and (c), Chapter 2151,
20 Occupations Code, are amended to read as follows:

21 Section 2151.1022. REQUIRED RECORDS OF GOVERNMENTAL
22 ACTIONS. (b) The operator shall file with the department
23 [~~commissioner~~] quarterly a report, on a form designed by the
24 department [~~commissioner~~], describing each governmental action
25 taken in the quarter covered by the report for which the operator is
26 required by Subsection (a) to maintain records. A report is not
27 required in any quarter in which no reportable governmental action

1 was taken in any state in which the person operated the amusement
2 ride.

3 (c) A person who operates an amusement ride shall maintain
4 for not less than two years at any location where the ride is
5 operated, for inspection by a municipal, county, or state law
6 enforcement official, a photocopy of any quarterly report required
7 under this section or Section 2151.103 to be filed with the
8 department ~~[commissioner]~~.

9 SECTION 7. Section 2151.103(c), Chapter 2151, Occupations
10 Code, is amended as follows:

11 Sec. 2151.103. INJURY REPORTS.

12 (c) The operator shall file an injury report with the
13 department ~~[commissioner]~~ on a quarterly basis. The report shall
14 be made on a form prescribed by the department ~~[commissioner]~~ and
15 shall include a description of each injury caused by a ride that
16 results in death or requires medical treatment.

17 SECTION 8. Section 2151.105(a), Chapter 2151, Occupations
18 Code, is amended to read as follows:

19 (a) The department ~~[commissioner]~~ shall adopt rules
20 requiring that a sign be posted to inform the public how to report
21 an amusement ride that appears to be unsafe or to report an
22 amusement ride operator who appears to be violating the law.

23 SECTION 9. Section 2151.151, Chapter 2151, Occupations
24 Code, is amended to read as follows:

25 Sec. 2151.151. INJUNCTION. The district attorney of a
26 county in which an amusement ride is operated or, on request of the
27 department ~~[commissioner of insurance]~~, the attorney general or an

1 agent of the attorney general, may seek an injunction against a
2 person operating an amusement ride in violation of this chapter or
3 in violation of a rule adopted by the commission [~~commissioner~~]
4 under Section 2151.1021 or 2151.105.

5 SECTION 10. Section 2151.152(a), Chapter 2151, Occupations
6 Code, is amended to read as follows:

7 Sec. 2151.152. OTHER ENFORCEMENT ACTIONS.

8 (a) A municipal, county, or state law enforcement official
9 may determine compliance with a provision of Subchapter C, other
10 than Section 2151.104, in conjunction with the department
11 [~~commissioner~~] and may institute an action in a court of competent
12 jurisdiction to enforce this chapter.

13 SECTION 11. Sections 2151.1525(b) and (d), Chapter 2151,
14 Occupations Code, are amended to read as follows:

15 Sec. 2151.1525. PROHIBITION OF AMUSEMENT RIDE OPERATION.

16 (b) If the operation of an amusement ride is prohibited
17 under Subsection (a)(1) or (2), a person may not operate the
18 amusement ride unless:

19 (1) the operator presents to the appropriate
20 municipal, county, or state law enforcement official proof of
21 compliance with Section 2151.101; or

22 (2) the department [~~commissioner~~] or the department's
23 [~~commissioner's~~] designee determines that on the date the amusement
24 ride's operation was prohibited the operator had on file with the
25 board the documents required by Section 2151.101 and issues a
26 written statement permitting the amusement ride to resume
27 operation.

1 (d) If on the date an amusement ride's operation is
2 prohibited under Subsection (a)(3) the amusement ride is in
3 compliance with Section 2151.101, a person may not operate the
4 amusement ride until:

5 (1) on-site corrections are made;

6 (2) an order from a district judge, county judge,
7 judge of a county court at law, justice of the peace, or municipal
8 judge permits the amusement ride to resume operation; or

9 (3) an insurance company insuring the amusement ride
10 on the date the amusement ride's operation was prohibited:

11 (A) reinspects the amusement ride in the same
12 manner required by Section 2151.101; and

13 (B) delivers to the department [~~commissioner~~] or
14 the department's [~~commissioner's~~] designee and the appropriate law
15 enforcement official a reinspection certificate:

16 (i) stating that the required reinspection
17 has occurred;

18 (ii) stating that the amusement ride meets
19 coverage standards and is covered by insurance in compliance with
20 Section 2151.101; and

21 (iii) explaining the necessary repairs, if
22 any, that have been made to the amusement ride after its operation
23 was prohibited.

24 SECTION 12. Section 2151.1526(b), Chapter 2151,
25 Occupations Code, is amended to read as follows:

26 Sec. 2151.1526. PROHIBITION OF MOBILE AMUSEMENT RIDE
27 OPERATION.

1 (b) If a mobile amusement ride was in compliance with
2 Section 2151.101 when its operation was initially prohibited under
3 Subsection (a), a person may resume operating the mobile amusement
4 ride only after an insurance company insuring the amusement ride on
5 the date its operation was prohibited:

6 (1) reinspects the amusement ride in the same manner
7 required under Section 2151.101; and

8 (2) delivers to the department [~~commissioner~~] or the
9 department's [~~commissioner's~~] designee a reinspection certificate:

10 (A) stating that the required reinspection has
11 occurred;

12 (B) stating that the amusement ride meets
13 coverage standards and is covered by insurance in compliance with
14 Section 2151.101; and

15 (C) explaining the necessary repairs, if any,
16 that have been made to the amusement ride after its operation was
17 prohibited.

18 SECTION 13. Section 2151.153, Occupations Code, is
19 repealed.

20 SECTION 14. This Act takes effect immediately if it
21 receives a vote of two-thirds of all the members elected to each
22 house, as provided by Section 39, Article III, Texas Constitution.
23 If this Act does not receive the vote necessary for immediate
24 effect, this Act takes effect September 1, 2013.