86R8995 ADM-D

By:  Ortega H.B. No. 1403

A BILL TO BE ENTITLED

AN ACT

relating to insurance coverage and certification requirements for a person conducting amusement ride inspections.

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

(A)  for Class A amusement rides:

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

(ii)  a $150,000 per occurrence combined single limit with a $300,000 annual aggregate; and

(B)  for Class B amusement rides:

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

(ii)  $1,500,000 per occurrence combined single limit;

(4)  files with the commissioner, as required by this chapter:

(A)  [~~,~~] the inspection certificate and the insurance policy or a photocopy of the certificate or policy authorized by the commissioner; and

(B)  the insurance policy or a photocopy or other proof of the policy provided by the inspector under Section 2151.102(a-1); and

(5)  files with each sponsor, lessor, landowner, or other person responsible for the amusement ride being offered for use by the public a photocopy of the inspection certificate and the insurance policies [~~policy~~] required by this subsection.

SECTION 2.  Section 2151.102, Occupations Code, is amended by adding Subsection (a-1) to read as follows:

(a-1)  A person conducting an inspection of an amusement ride as required by Section 2151.101(a) must:

(1)  maintain liability insurance in an amount not less than the amount the operator of the ride is required to maintain under this chapter and provide to the operator the insurance policy or a photocopy or other proof of the policy; and

(2)  hold at least a basic inspector certification issued by the National Association of Amusement Ride Safety Officials or another national certification organization approved by the commissioner.

SECTION 3.  This Act takes effect September 1, 2019.