

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

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:

17 (A) ~~[7]~~ the inspection certificate and the
18 insurance policy or a photocopy of the certificate or policy
19 authorized by the commissioner; and

20 (B) the insurance policy or a photocopy or other
21 proof of the policy provided by the inspector under Section
22 2151.102(a-1); and

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

27 SECTION 2. Section 2151.102, Occupations Code, is amended

1 by adding Subsection (a-1) to read as follows:

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

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

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

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