

BILL ANALYSIS

H.B. 205
By: Ortega
Insurance
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Following the 2016 death of an El Paso teenager who was ejected from an amusement ride, an investigation and lawsuit have revealed that the person operating the ride was intoxicated and was not following Texas Department of Insurance (TDI) rules. It is noted with some concern that the applicable TDI rules regarding the regulation of amusement rides are not sufficient for conducting strong oversight over such behaviors, despite references in the rules to applicable national standards. It has been suggested that requirements placed in Texas' Amusement Ride Safety Inspection and Insurance Act, rather than administrative regulations, would provide for better oversight of persons in direct control, or with the duty of directly controlling, amusement rides. H.B. 205 seeks to strengthen the regulation of amusement rides by setting a minimum age requirement for such an operator, requiring appropriate training for such an operator, and prohibiting such an operator from operating an amusement ride while intoxicated.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 205 amends the Occupations Code to require a person who directly controls or has the duty to directly control the operation of an amusement ride to be at least 16 years of age and trained in the proper use and operation of the ride the person is operating. The bill prohibits such a ride operator from simultaneously operating more than one amusement ride unless the operator is stationed at the top of an adjacent or proximate elevated waterslide amusement ride to maintain order, direct patrons, and ensure patrons begin the ride safely. The bill also prohibits an operator from operating an amusement ride if the operation constitutes the offense of assembling or operating an amusement ride while intoxicated.

EFFECTIVE DATE

September 1, 2021.