

BILL ANALYSIS

Senate Research Center
87R8228 ADM-D

H.B. 1268
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Business & Commerce
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 1268 removes certain water slides, known as "Wet Willies," from the "amusement park" definition in the Occupations Code so they are no longer subject to the same inspection and additional insurance requirements as that of an attraction at Six Flags or Schlitterbahn.

In Texas, certain vinyl waterslides often found at church or summer camps are classified as "amusement rides," which requires the waterslide operators to be subject to the same inspection and permitting requirements as a large rollercoaster. This lack of distinction in current law results in overregulation that makes offering these waterslides as part of camp activities cost-prohibitive. There have been calls to exempt these waterslides from the amusement ride classification given that other team-building activities such as ropes courses, rock climbing walls, and zip lines are already exempt from the amusement ride classification. H.B. 1268 seeks to remedy this situation by exempting certain waterslides from the regulations applicable to amusement rides.

H.B. 1268 amends current law relating to the definition of amusement ride for purposes of amusement ride regulation.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 2151.002(1), Occupations Code, as follows:

(1) Provides that for the purposes of Chapter 2151 (Regulation of Amusement Rides) the term "amusement ride" does not include:

(A) makes no changes to this paragraph;

(B) makes a nonsubstantive change to this paragraph;

(C) a challenge course or any part of a challenge course that is excepted from this chapter under Section 2151.107 (Exception for Certain Challenge Courses Meeting Insurance Requirement); or

(D) a waterslide, even if operated by a mechanical device, in which passengers are carried along a course that is less than 200 feet in length, is substantially constructed from vinyl or vinyl coated polyester, and is not mechanically inflated using a continuous airflow device.

Deletes existing text providing that the term "amusement ride" does not include a challenge course or any part of a challenge course if the person who operates the challenge course has an 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 (Surplus Lines Insurance), Insurance Code, or has an independently

procured policy subject to Chapter 101 (Unauthorized Insurance), Insurance Code, insuring the operator against liability for injury to persons arising out of the use of the challenge course, in an amount not less than: for facilities with a fixed location \$100,000 bodily injury and \$50,000 property damage per occurrence, with a \$300,000 annual aggregate, or a \$150,000 per occurrence combined single limit, with a \$300,000 annual aggregate; and for facilities other than those with a fixed location \$1,000,000 bodily injury and \$500,000 property damage per occurrence, or \$1,500,000 per occurrence combined single limit.

SECTION 2. Effective date: September 1, 2021.