By:  Ashby (Senate Sponsor - Nichols) H.B. No. 1268

(In the Senate - Received from the House April 19, 2021; May 6, 2021, read first time and referred to Committee on Business & Commerce; May 20, 2021, reported favorably by the following vote: Yeas 9, Nays 0; May 20, 2021, sent to printer.)

COMMITTEE VOTE

                    Yea Nay Absent  PNV

Hancock              X

Nichols              X

Campbell             X

Creighton            X

Johnson              X

Menéndez             X

Paxton               X

Schwertner           X

Whitmire             X

A BILL TO BE ENTITLED

AN ACT

relating to the definition of amusement ride for purposes of amusement ride regulation.

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

SECTION 1.  Section 2151.002(1), Occupations Code, is amended to read as follows:

(1)  "Amusement ride" means a mechanical device that carries passengers along, around, or over a fixed or restricted course or within a defined area for the purpose of giving the passengers amusement, pleasure, or excitement. The term does not include:

(A)  a coin-operated ride that:

(i)  is manually, mechanically, or electrically operated;

(ii)  is customarily placed in a public location; and

(iii)  does not normally require the supervision or services of an operator;

(B)  nonmechanized playground equipment, including a swing, seesaw, stationary spring-mounted animal feature, rider-propelled merry-go-round, climber, playground slide, trampoline, and physical fitness device; [~~or~~]

(C)  a challenge course or any part of a challenge course that is excepted from this chapter under Section 2151.107; or

(D)  a waterslide, even if operated by a mechanical device, in which passengers are carried along a course that:

(i)  is less than 200 feet in length;

(ii)  is substantially constructed from vinyl or vinyl coated polyester; and

(iii)  is not mechanically inflated using a continuous airflow device [~~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, Insurance Code, or has an independently procured policy subject to Chapter 101, 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:~~

[~~(i)  for facilities with a fixed location:~~

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

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

[~~(ii)  for facilities other than those with a fixed location:~~

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

[~~(b)  $1,500,000 per occurrence combined single limit~~].

SECTION 2.  This Act takes effect September 1, 2021.

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