

1-1 By: Ashby (Senate Sponsor - Nichols) H.B. No. 1268
 1-2 (In the Senate - Received from the House April 19, 2021;
 1-3 May 6, 2021, read first time and referred to Committee on Business
 1-4 & Commerce; May 20, 2021, reported favorably by the following vote:
 1-5 Yeas 9, Nays 0; May 20, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Hancock	X			
1-8 Nichols	X			
1-9 Campbell	X			
1-10 Creighton	X			
1-11 Johnson	X			
1-12 Menéndez	X			
1-13 Paxton	X			
1-14 Schwertner	X			
1-15 Whitmire	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the definition of amusement ride for purposes of
 1-20 amusement ride regulation.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section [2151.002\(1\)](#), Occupations Code, is
 1-23 amended to read as follows:

1-24 (1) "Amusement ride" means a mechanical device that
 1-25 carries passengers along, around, or over a fixed or restricted
 1-26 course or within a defined area for the purpose of giving the
 1-27 passengers amusement, pleasure, or excitement. The term does not
 1-28 include:

1-29 (A) a coin-operated ride that:
 1-30 (i) is manually, mechanically, or
 1-31 electrically operated;

1-32 (ii) is customarily placed in a public
 1-33 location; and

1-34 (iii) does not normally require the
 1-35 supervision or services of an operator;

1-36 (B) nonmechanized playground equipment,
 1-37 including a swing, seesaw, stationary spring-mounted animal
 1-38 feature, rider-propelled merry-go-round, climber, playground
 1-39 slide, trampoline, and physical fitness device; ~~or~~

1-40 (C) a challenge course or any part of a challenge
 1-41 course that is excepted from this chapter under Section [2151.107](#);
 1-42 or

1-43 (D) a waterslide, even if operated by a
 1-44 mechanical device, in which passengers are carried along a course
 1-45 that:

1-46 (i) is less than 200 feet in length;

1-47 (ii) is substantially constructed from
 1-48 vinyl or vinyl coated polyester; and

1-49 (iii) is not mechanically inflated using a
 1-50 continuous airflow device ~~[if the person who operates the challenge~~
 1-51 ~~course has an insurance policy currently in effect written by an~~
 1-52 ~~insurance company authorized to do business in this state or by a~~
 1-53 ~~surplus lines insurer, as defined by Chapter [981](#), Insurance Code,~~
 1-54 ~~or has an independently procured policy subject to Chapter [101](#),~~
 1-55 ~~Insurance Code, insuring the operator against liability for injury~~
 1-56 ~~to persons arising out of the use of the challenge course, in an~~
 1-57 ~~amount not less than:~~

1-58 ~~[(i) for facilities with a fixed location:~~

1-59 ~~[(a) \$100,000 bodily injury and~~
 1-60 ~~\$50,000 property damage per occurrence, with a \$300,000 annual~~
 1-61 ~~aggregate; or~~

2-1 [~~(b) a \$150,000 per occurrence~~
2-2 ~~combined single limit, with a \$300,000 annual aggregate; and~~
2-3 ~~[(ii) for facilities other than those with~~
2-4 ~~a fixed location:~~
2-5 ~~[(a) \$1,000,000 bodily injury and~~
2-6 ~~\$500,000 property damage per occurrence; or~~
2-7 ~~[(b) \$1,500,000 per occurrence~~
2-8 ~~combined single limit].~~

2-9 SECTION 2. This Act takes effect September 1, 2021.

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