

1-1 By: Ashby (Senate Sponsor - Nichols) H.B. No. 1553
 1-2 (In the Senate - Received from the House April 17, 2023;
 1-3 April 19, 2023, read first time and referred to Committee on
 1-4 Business & Commerce; May 17, 2023, reported favorably by the
 1-5 following vote: Yeas 9, Nays 0; May 17, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10			X	
1-11	X			
1-12	X			
1-13	X			
1-14			X	
1-15	X			
1-16	X			
1-17	X			
1-18	X			

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the definition of amusement ride for purposes of
 1-22 amusement ride regulation.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 2151.002(1), Occupations Code, is
 1-25 amended to read as follows:

1-26 (1) "Amusement ride" means a mechanical device that
 1-27 carries passengers along, around, or over a fixed or restricted
 1-28 course or within a defined area for the purpose of giving the
 1-29 passengers amusement, pleasure, or excitement. The term does not
 1-30 include:

1-31 (A) a coin-operated ride that:
 1-32 (i) is manually, mechanically, or
 1-33 electrically operated;
 1-34 (ii) is customarily placed in a public
 1-35 location; and
 1-36 (iii) does not normally require the
 1-37 supervision or services of an operator;

1-38 (B) nonmechanized playground equipment,
 1-39 including a swing, seesaw, stationary spring-mounted animal
 1-40 feature, rider-propelled merry-go-round, climber, playground
 1-41 slide, trampoline, and physical fitness device; ~~or~~

1-42 (C) a challenge course or any part of a challenge
 1-43 course that is excepted from this chapter under Section 2151.107;
 1-44 or

1-45 (D) a waterslide, even if operated by a
 1-46 mechanical device, in which passengers are carried along a course
 1-47 that:

1-48 (i) is less than 200 feet in length;
 1-49 (ii) is substantially constructed from
 1-50 vinyl or vinyl coated polyester; and

1-51 (iii) is not mechanically inflated using a
 1-52 continuous airflow device ~~[if the person who operates the challenge~~
 1-53 ~~course has an insurance policy currently in effect written by an~~
 1-54 ~~insurance company authorized to do business in this state or by a~~
 1-55 ~~surplus lines insurer, as defined by Chapter 981, Insurance Code,~~
 1-56 ~~or has an independently procured policy subject to Chapter 101,~~
 1-57 ~~Insurance Code, insuring the operator against liability for injury~~
 1-58 ~~to persons arising out of the use of the challenge course, in an~~
 1-59 ~~amount not less than:~~

1-60 ~~[(i) for facilities with a fixed location:~~
 1-61 ~~[(a) \$100,000 bodily injury and~~

2-1 ~~\$50,000 property damage per occurrence, with a \$300,000 annual~~
2-2 ~~aggregate, or~~
2-3 ~~[(b) a \$150,000 per occurrence~~
2-4 ~~combined single limit, with a \$300,000 annual aggregate, and~~
2-5 ~~[(ii) for facilities other than those with~~
2-6 ~~a fixed location:~~
2-7 ~~[(a) \$1,000,000 bodily injury and~~
2-8 ~~\$500,000 property damage per occurrence, or~~
2-9 ~~[(b) \$1,500,000 per occurrence~~
2-10 ~~combined single limit].~~

2-11 SECTION 2. This Act takes effect September 1, 2023.

2-12 * * * * *