

**CHAPTER 379**

**H.B. No. 1201**

**An Act relating to the safety of certain amusement rides; providing a penalty.**

*Be it enacted by the Legislature of the State of Texas:*

**SECTION 1.** Section 4, Amusement Ride Safety Inspection and Insurance Act, Article 21.53, Insurance Code, as added by Chapter 526, Acts of the 68th Legislature, Regular Session, 1983, is amended to read as follows:

**Sec. 4. AMUSEMENT RIDE OPERATION REQUIREMENTS.** (a) A person may not operate an amusement ride unless he:

(1) has the amusement ride inspected at least once annually [~~for safety~~] by an insurer or a person with whom the insurer has contracted and obtains from that insurer or person a written certificate that the inspection has been made and that the amusement ride meets the standards for coverage and is covered by the insurance required by Subsection (2) of this section;

(2) has an insurance policy currently in force written by an insurance company authorized to do business in this state, a surplus lines insurer as defined by Article 1.14-2 of this code, or an independently procured policy subject to Article 1.14-1 of this code, in an amount of not less than \$1 million per occurrence insuring the owner or operator against liability for injury to persons arising out of the use of the amusement ride;

(3) files with the board, in the manner required by this article, the inspection certificate and the insurance policy required by this section or a photocopy of such a certificate or policy authorized by the board; and

(4) files with each sponsor, lessor, landowner, or other person responsible for an amusement ride being offered for use by the public a certificate stating that the insurance required by Subdivision (2) of this section is in effect.

(b) *The inspection required under Subsection (a)(1) of this section must include a method to test the stress- and wear-related damage of critical parts of a ride that the board determines are reasonably subject to failure as the result of stress and wear and could cause injury to a member of the general public as a result of a failure.*

(c) *A person who operates an amusement ride shall maintain accurate records of each injury caused by the ride that results in death or requires medical treatment. The operator shall file an injury report on a form designed by the board for that purpose with the board on a quarterly basis and shall include in the report a description of each injury caused by a ride that results in death or requires medical treatment. For the purposes of this subsection, medical treatment includes treatment (other than first aid) administered by a physician or by registered professional personnel under the standing orders of a physician. Medical treatment does not include first-aid treatment (onetime treatment and subsequent observation of minor scratches, cuts, burns, splinters, and any other minor injuries that do not ordinarily require medical care) even though provided by a physician or registered professional personnel. No report shall be required of the operator in any quarter in which no reportable injuries occurred.*

**SECTION 2.** Section 5, Amusement Ride Safety Inspection and Insurance Act, Article 21.53, Insurance Code, as added by Chapter 526, Acts of the 68th Legislature, Regular Session, 1983, is amended to read as follows:

**Sec. 5. FILING AFFIDAVIT.** The documents required by [~~Subdivision (3) of~~] Section 4 of this article must be filed with the board before July 1 of each year, but if the amusement ride is inspected [~~under Subdivision (3) of Section 4~~] more than once a year, the inspection certificate must be filed not later than 15 days after each inspection and the insurance policy must be filed before July 1 of each year.

**SECTION 3.** Section 9(c), Amusement Ride Safety Inspection and Insurance Act, Article 21.53, Insurance Code, as added by Chapter 526, Acts of the 68th Legislature, Regular Session, 1983, is amended to read as follows:

(c) An offense under this section is a Class B [~~G~~] misdemeanor.

**SECTION 4.** (a) Subsection (b), Section 4, Amusement Ride Safety Inspection and Insurance Act, as added by Section 1 of this Act, will take effect January 1, 1986. All other provisions of this Act will take effect September 1, 1985.

(b) The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before that date.

(c) An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for this purpose.

**SECTION 5.** The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

**CH 379**

**69th LEGIS—REGULAR SESSION**

Passed by the House on May 16, 1985, by a non-record vote; passed by the Senate on May 24, 1985, by the following vote: Yeas 29, Nays 0.

Approved: June 10, 1985

Effective: September 1, 1985, but see Section 4.