

By: Burns

H.B. No. 4010

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of certain amusement rides; providing a civil penalty.

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

SECTION 1. Section 2151.002, Occupations Code, is amended by amending Subdivision (3) and adding Subdivision (3-a) to read as follows:

(3) "Class B amusement ride" means an amusement ride that is not a Class A or Class C amusement ride.

(3-a) "Class C amusement ride" means an amusement ride that is mechanically inflated using a continuous airflow device and provides a surface for bouncing and jumping or creates an enclosed space for the purpose of amusement.

SECTION 2. Section 2151.1012(a), Occupations Code, is amended to read as follows:

(a) This section applies only to a Class C [B] amusement ride [that:

(1) is mechanically inflated using a continuous airflow device; and

(2) provides a surface for bouncing and jumping or creates an enclosed space for the purpose of amusement].

SECTION 3. Subchapter D, Chapter 2151, Occupations Code, is amended by adding Section 2151.1528 to read as follows:

Sec. 2151.1528. CIVIL PENALTY FOR VIOLATION OF CERTAIN

1 AMUSEMENT RIDE LAWS. (a) In addition to any other penalty provided
2 under this chapter, a person who violates this chapter in the
3 operation of a Class C amusement ride is liable to the state for a
4 civil penalty not to exceed \$200 for each violation on each day the
5 person commits a violation.

6 (b) A penalty under this section may be enforced by a suit
7 brought by:

8 (1) a county or district attorney of the county in
9 which the violation occurred;

10 (2) a municipal attorney of the municipality in which
11 the violation occurred; or

12 (3) the attorney general, at the request of the
13 commissioner of insurance.

14 (c) If the attorney general brings the suit, the penalty
15 shall be deposited in the state treasury to the credit of the
16 general revenue fund. If a local prosecuting attorney brings the
17 suit, the penalty shall be deposited in the general fund of the
18 municipality or county in which the violation occurred.

19 (d) The attorney general, district and county attorney,
20 municipal attorney, and the department may recover reasonable
21 expenses incurred in obtaining a civil penalty under this section,
22 including court costs, reasonable attorney's fees, investigative
23 costs, witness fees, and deposition expenses.

24 SECTION 4. This Act takes effect September 1, 2015.