

**SUBCHAPTER J. RULES TO IMPLEMENT THE AMUSEMENT
RIDE SAFETY INSPECTION AND INSURANCE ACT**

28 TAC §§5.9002 – 5.9004, 5.9007, 5.9008, 5.9010, and 5.9012

1. INTRODUCTION. The Commissioner of Insurance adopts amendments to §§5.9002 – 5.9004, 5.9007, 5.9008, 5.9010, and 5.9012, concerning rules to implement the Amusement Ride Safety Inspection and Insurance Act (the Act). The sections are adopted without changes to the proposed text of the sections as published in the September 2, 2005, issue of the *Texas Register* (30 TexReg 5284) and to the forms adopted by reference.

2. REASONED JUSTIFICATION. This adoption is necessary to implement legislation enacted by the 79th Legislature, Regular Session, in House Bill (HB) 1892, effective June 17, 2005, and HB 2879 and Senate Bill (SB) 1282, both effective September 1, 2005, and to update statutory references and two amusement ride forms. The legislation clarifies insurance requirements for amusement rides to allow policies to be written in either a combined single limit or a split limit amount in accord with the newly specified minimum limits set forth in §2151.101 of the Occupations Code, and further defines and specifies an exception from amusement ride regulation for certain challenge courses that meet particular insurance requirements. The purposes of the amendments are to conform applicable sections of the amusement ride rules to the new legislation, update statutory references in those sections and update two amusement ride forms.

3. HOW THE SECTIONS WILL FUNCTION. Amended §5.9002 adds to the definition of “amusement ride” the exception for a challenge course or any part of a challenge course as defined in §2151.107 of the Act that meets certain specified insurance requirements as set forth in that section and in §2151.002 of the Act. Amended §5.9004 updates statutory references and clarifies the insurance requirements for operating an amusement ride to allow insurance policies to be written as a combined single limit or a split limit and to specify the minimum amounts in which such limits can be written. Amended §5.9012 updates statutory references. Two amusement ride forms, TDI Form AR-100 and TDI Form AR-800, are updated to add clarifying, corrective, and explanatory language and delete unnecessary language. Additionally, the sections that reference these forms which are adopted by reference, §§5.9003, 5.9004, 5.9007, 5.9008, and 5.9010, are amended to indicate the revised effective date for these forms.

4. SUMMARY OF COMMENTS. No comments were received.

5. STATUTORY AUTHORITY. The amended sections are adopted pursuant to Title 13, Occupations Code, §§2151.101(a), 2151.002(1), and 2151.107 and the Insurance Code §36.001. Section 2151.101(a) as amended by the 79th Legislature, Regular Session, in SB 1282 and HB 2879 clarifies insurance requirements for amusement rides to allow policies to be written in either a combined single limit or a split limit amount in

accord with the newly specified minimum limits set forth in §2151.101(a)(3)(A) and (B) of the Occupations Code. Section 2151.107 as enacted by the 79th Legislature, Regular Session, in HB 1892 and HB 2879, and §2151.002 as amended by the 79th Legislature, Regular Session, in SB 1282 define and specify an exception from amusement ride regulation for certain challenge courses that meet particular insurance requirements. Section 36.001 provides that the Commissioner of Insurance may adopt any rules necessary and appropriate to implement the powers and duties of the Texas Department of Insurance under the Insurance Code and other laws of this state.

6. TEXT.

§5.9002. Definitions. The following words and terms, when used in this subchapter, shall have the following meanings.

(1) Act -- The Amusement Ride Safety Inspection and Insurance Act (Title 13, Occupations Code, Chapter 2151).

(2) Amusement ride -- Any mechanical, gravity, or water device or devices that carry or convey passengers along, around, or over a fixed or restricted route or course or within a defined area for the purpose of giving its passengers amusement, pleasure, or excitement, but such term does not include:

(A) any coin-operated ride that is manually, mechanically, or electrically operated and customarily placed in a public location and that does not normally require the supervision or services of an operator;

(B) nonmechanized playground equipment, including, but not limited to, swings, seesaws, stationary spring-mounted animal features, rider-propelled merry-go-rounds, climbers, playground slides, trampolines, and physical fitness devices;
or

(C) a challenge course or any part of a challenge course, as defined in §2151.107 of the Act to mean a challenge, ropes, team building, or obstacle course that is constructed and used for educational, team and confidence building, or physical fitness purposes, 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:

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

(II) \$150,000 per occurrence combined single limit, with a \$300,000 annual aggregate; and

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

(I) \$1,000,000 bodily injury and \$500,000 property damage per occurrence; or

(II) \$1,500,000 per occurrence combined single limit.

(3) ASTM -- The American Society for Testing and Materials.

(4) Class A amusement ride -- An amusement ride with a fixed location and designed primarily for use by children 12 years of age or younger.

(5) Class B amusement ride -- Any amusement ride not defined as a Class A amusement ride.

(6) Commissioner -- The Commissioner of Insurance.

(7) Inspector -- A person qualified by training, education, or experience to conduct safety inspections of amusement rides or devices on behalf of an insurance company and in accordance with the American Society for Testing and Materials (ASTM), the manufacturer's standards and criteria, or standards established by the insurance company.

(8) Inspection -- A procedure to be conducted by an inspector to determine whether an amusement ride or device is being assembled, maintained, tested, operated, and inspected in accordance with the current ASTM standards, the manufacturer's, or insurer's standards, whichever is the most stringent, and that determines the current operational safety of the ride or device.

(9) Mobile amusement ride -- An amusement ride that is designed or adapted to be moved from one location to another and is not fixed at a single location.

(10) Owner/operator -- The person or entity responsible for an amusement ride and his or its agents or representatives. A separate reference to owner or operator shall be deemed to include owner/operator.

(11) TDI -- The Texas Department of Insurance.

§5.9003. Administration and Enforcement. The Texas Department of Insurance is required by the Act to administer and enforce the Act. Owners/operators operating amusement rides must pay a fee of \$40 per year for each amusement ride subject to the Act. The fee payment shall accompany the insurance policy and amusement ride inspection certificate (TDI Form AR-100, Amusement Ride Certificate of Inspection/Re-Inspection, Revised Effective October, 2005) required by the Act and by §5.9004 of this title (relating to Amusement Ride Operation Requirements). The fees shall be paid by certified check or money order made payable to the Texas Department of Insurance. The applicant shall attach the certified check or money order to the inspection certificate (TDI Form AR-100, Revised Effective October, 2005). The certified check or money order may be one check or money order for the total amount of fees for all rides or a separate check for each ride.

§5.9004. Amusement Ride Operation Requirements. An owner/operator may not operate an amusement ride unless the owner/operator has satisfied and is continuing to satisfy the following requirements.

(1) The owner/operator must file with Texas Department of Insurance (TDI) the insurance policy or a photocopy of the insurance policy certifying that the policy is a true copy of the insurance policy provided to the insured as required by the Act, §2151.101. The Act, §2151.101, requires that any person who operates an amusement ride must have currently in force a combined single limit or split limit

insurance policy written by an insurance company authorized to do business in this state or by a surplus lines insurer, as defined by the Insurance Code, Chapter 981, or an independently procured policy subject to the Insurance Code, §101.001 et seq., in an amount of not less than \$100,000 bodily injury and \$50,000 property damage per occurrence with a \$300,000 annual aggregate or \$150,000 per occurrence combined single limit with a \$300,000 annual aggregate for Class A amusement rides and an amount of not less than \$1,000,000 bodily injury and \$500,000 property damage per occurrence or \$1,500,000 per occurrence combined single limit for Class B amusement rides insuring the owner or operator against liability for injury to persons arising out of the use of the amusement ride. The following requirements must also be met.

(A) The policy or certified photocopy of the policy must be complete, including all applicable coverage forms and endorsements. Certificates of insurance will not be acceptable for this purpose.

(B) The policy must contain a schedule listing by name and serial number if applicable of each amusement ride insured by the policy. In the event of additions or deletions of amusement rides during the policy term, such changes shall be shown on a change endorsement, a copy of which must be submitted to TDI. Additions will also require an inspection certificate (TDI Form AR-100, Amusement Ride Certificate of Inspection/Re-Inspection, Revised Effective October, 2005) and a \$40 fee for each amusement ride to be submitted to TDI prior to any operation of the added amusement ride. Additions or deletions shall be filed no later than 10 days after the change.

(C) In the event of policy cancellation by either the insured owner/operator or the insurance company, the company shall furnish notice of such cancellation to TDI as soon as possible, but not later than 10 days prior to cancellation.

(D) The owner/operator will provide to any sponsor, lessor, landowner, or other person responsible for an amusement ride offered for use by the public, a photocopy of the inspection certificate and the insurance policy required by this section.

(E) If the owner/operator obtains an additional amusement ride device, the ride shall be added to the insurance policy and a copy of the endorsement submitted to TDI along with the required inspection certificate (TDI Form AR-100, Amusement Ride Certificate of Inspection/Re-Inspection, Revised Effective October, 2005) and the \$40 fee prior to operation in Texas.

(2) The owner/operator must also file the original amusement ride inspection certificate (TDI Form AR-100, Amusement Ride Certificate of Inspection/Re-Inspection, Revised Effective October, 2005) certifying with respect to each amusement ride the matters required by the Act. A separate inspection certificate is required for each amusement ride showing the name, serial number, manufacturer of the ride, the inspector's name, the owner/operator, a picture of the ride in an operable state taken at the time of the inspection, and other information as requested. The serial number and name/description of the amusement ride shall coincide with the same information identified on the insurance policy. If major components of the ride, i.e., the crane used in a bungee operation, are interchangeable, the name, serial number, and manufacturer

of the inspected component shall be included on the inspection certificate. The inspection certificate is valid for a period of one year, and for expedience in processing, should if possible coincide with the effective date of the insurance policy. The inspection shall be conducted by the insurer or a person with whom the insurer has contracted. The inspector shall provide both the insurer and owner/operator with a written certificate that the inspection has been made and that the amusement ride meets the standards for coverage.

(A) The inspection certificate shall not be submitted to TDI until all discrepancies have been resolved and all necessary repair(s) or replacement(s) required for the amusement ride to meet the standards for coverage have been made.

(B) The inspection required by §2151.101(a) of the Act must include a method to test the stress- and wear-related damage of critical parts of a ride that the manufacturer of the amusement ride 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. The inspection shall include a review of the owner/operator's daily inspection records and inspection and maintenance program in accordance with ASTM practice or the manufacturer's guidelines/inspection criteria. The inspection shall be conducted with the amusement ride or device in an operable state and include an evaluation of the device for a minimum of one complete operating cycle.

(C) If the amusement ride or device consists of interchangeable major components, such as cranes used in bungee jumping operations, the crane or major component used during the inspection shall be considered an integral part of the

amusement ride and the inspection certificate shall include the manufacturer and serial number of the crane or major component inspected with the amusement ride. If the inspected crane or major component is replaced by another unit, a new inspection is required to include the new identification and serial number of the replacement unit.

(D) Any bungee jumping amusement device shall include a safety net or air bag as an integral part of the ride. The safety net or air bag shall be of sufficient size to cover the jump zone. The safety net or air bag shall be rated for the maximum free fall height possible from the jump platform used. If the jump area is over water, the water must be of sufficient depth to provide an adequate safety cushion. The safety net or air bag shall be inspected as an integral part of the amusement ride.

(E) The inspection certificate shall be signed by a representative of the insurer.

(F) If the amusement ride or device does not meet the inspection standards, the amusement ride shall not be operated until all necessary repair(s) and/or replacement(s) have been made and the ride reinspected and an inspection/re-inspection certificate issued.

(G) It shall be the responsibility of the amusement ride owner/operator to complete the following prior to any operation of the ride:

(i) request the insurer to certify that the insurance policy and the inspection certificate are true copies by an official of the insurer;

(ii) receive the completed policy and inspection certificate from the insurer if they elect to provide coverage;

(iii) submit a certified copy of the insurance policy, the original inspection certificate, and the fee to TDI for review. A planning factor of 10 days should be allowed for TDI review and approval prior to any operation of the ride. Errors of omission or commission on either policy or inspection certificate may delay TDI approval;

(iv) immediately after any injury or death involving equipment failure, structural failure, or operator error, the amusement ride/device shall be closed for public use until a new inspection is performed and an inspection/re-inspection certificate is submitted to TDI.

(v) in addition to the requirements of this paragraph, a mobile amusement ride on which a death occurs may not be operated until the requirements of §2151.1526 of the Act are met.

(vi) in addition to the requirements of this paragraph, an amusement ride whose operation has been prohibited by a municipal, county, or state law enforcement official pursuant to §2151.152 or §2151.1525 of the Act may not be operated until the requirements of that section are met. Any on-site corrections that are made pursuant to the requirements of §2151.1525 of the Act must be presented to the appropriate municipal, county, or state law enforcement official.

(H) TDI Form AR-100, Amusement Ride Certificate of Inspection/Re-Inspection, Revised Effective October, 2005, is adopted by reference and shall be used for each filing of an amusement ride inspection certificate required by this section. This form (the Amusement Ride Certificate of Inspection/Re-Inspection) is

published by the Texas Department of Insurance and copies of the form may be obtained from the Loss Control Regulation Division, Mail Code 103-9A, Texas Department of Insurance, P.O. Box 149104, Austin, Texas 78714-9104.

(I) The inspection/re-inspection certificate, insurance policy, and fee shall be submitted to TDI, Loss Control Regulation Division, for review. If the inspection/re-inspection certificate and insurance policy meet the requirements of this subchapter, the inspection/re-inspection certificate will be date-stamped and forwarded to the owner/operator with TDI Form AR-101 (Texas Amusement Ride Compliance Sticker), Effective May, 2000 and adopted herein by reference. TDI Form AR-101 will indicate the expiration date of the inspection certificate and shall be affixed to a major component of the amusement ride in a location visible to the ride participants.

(J) The records of the inspections required by this section shall be made available for inspection by any municipal, county, or state law enforcement official at the location at which the amusement ride is operated.

(3) Renewal of the policy or inspection certificate shall be completed with sufficient lead time to provide these documents to TDI with a minimum of 10 working days to review and approve the documents prior to the expiration of either the policy or the inspection certificate.

(A) In the event of policy cancellation or expiration, the policy shall promptly be replaced or renewed without any lapse in coverage while the amusement ride is offered for use by the public. Any operation without a valid and current insurance policy and current inspection certificate constitutes an illegal operation and is subject to

the enforcement provisions and penalties pursuant to §§2151.151, 2151.152, 2151.1525, 2151.1526, and 2151.153 of the Act. The sponsor, lessor, landowner, or other person responsible for an amusement ride offered for use by the public shall be notified by the owner/operator of the coverage discontinuance.

(B) A renewal certificate of insurance will be acceptable for the purpose of this paragraph, if the renewal certificate shows:

(i) insurance coverage against liability for injury to persons arising out of the use of the amusement ride/device;

(ii) an amount of insurance of not less than \$100,000 bodily injury and \$50,000 property damage per occurrence with a \$300,000 annual aggregate or \$150,000 per occurrence combined single limit with a \$300,000 annual aggregate for Class A amusement rides and an amount of insurance of not less than \$1,000,000 bodily injury and \$500,000 property damage per occurrence or \$1,500,000 per occurrence combined single limit for Class B amusement rides; and

(iii) a policy term that includes the period of time during which the amusement ride will be offered for public use.

(4) In addition to the inspection required under this section, the owner/operator who operates a mobile amusement ride must perform and record daily inspections of the mobile amusement ride including safety restraints on each mobile amusement ride.

(A) Records of the daily inspections must be available for inspection by any municipal, county, or state law enforcement official at the location at

which the amusement ride is operated, and the records must be maintained with the amusement ride for a period of one year.

(B) The daily inspection record must include an inspection of the following:

- (i) safety belts, bars, locks and other passenger restraints;
- (ii) all automatic and manual safety devices;
- (iii) signal systems, brakes and control devices;
- (iv) safety pins and keys;
- (v) fencing, guards, barricades, stairways and ramps;
- (vi) ride structure and moving parts;
- (vii) tightness of bolts and nuts;
- (viii) blocking, support braces and jackstands;
- (ix) electrical equipment;
- (x) lubrication as per manufacturer's instructions;
- (xi) hydraulic and/or pneumatic equipment;
- (xii) check communication equipment necessary for operation (if applicable);
- (xiii) prior to opening, operate ride through one complete cycle of proper functioning; and
- (xiv) any other component that is included in the manufacturer's specific ride maintenance and safety checks or current ASTM standards,

or that the operator or person performing the daily inspection deems necessary for inspection.

(C) The Texas Department of Insurance (TDI) adopts and incorporates herein by reference TDI Form AR-300 (Daily Inspection Record), Effective May, 2000. This form is published by TDI and copies of the form may be obtained from the Loss Control Regulation Division, Mail Code 103-9A, Texas Department of Insurance, P.O. Box 149104, Austin, Texas 78714-9104. This form sets forth the inspection requirements of this subsection and also includes the name of the device, location (city, state), date of the inspection, manufacturer and serial number, and owner/operator. The form must be signed by the person performing the daily inspection and his supervisor.

(D) Daily inspection record forms used by industry associations, individual operators, or individual manufacturers may be used to fulfill the requirements of this paragraph if the forms contain all of the inspection items and elements set forth in this paragraph and the TDI Form AR-300 (Daily Inspection Record).

(E) In addition to the requirements of this subsection, the owner/operator who operates a mobile amusement ride must also follow the manufacturer's specific checklist for specific ride maintenance and safety checks.

(5) In addition to the inspection requirements of this section, TDI Form AR-102, Amusement Ride Schedule of Operations in Texas, Effective May, 2000, is adopted herein by reference and shall include a schedule of operating locations and dates for each six-month period for mobile operations. This information shall be

provided by the owner/operator to TDI, Loss Control Regulation Division, Mail Code 103-9A, Texas Department of Insurance, P.O. Box 149104, Austin, Texas 78714-9104, a minimum of 10 days in advance of each six-month period. Any changes in the schedule must be submitted on an amended TDI Form AR-102 to TDI by the owner/operator within 10 days of such change.

§5.9007. Quarterly Reports.

(a) An owner/operator who operates an amusement ride (the operator) shall maintain accurate records of each injury caused by the ride in any state which injury results in death or requires medical treatment. An injury is caused by the ride if the injury occurs on the ride or is in any way associated with the ride.

(1) The Texas Department of Insurance (TDI) adopts and incorporates by reference TDI Form AR-800 (Quarterly Injury Report) Revised Effective October, 2005. This form is published by TDI and copies of the form may be obtained from the Loss Control Regulation Division, Mail Code 103-9A, Texas Department of Insurance, P.O. Box 149104, Austin, Texas 78714-9104. The operator shall file an injury report on TDI Form AR-800 with TDI on a quarterly basis and shall include in the report a description of each verifiable injury caused by a ride that results in death or injury that requires medical treatment.

(2) For purposes of this section, the term "medical treatment" includes treatment (other than first aid) administered by a physician or by registered professional personnel under the standing orders of a physician.

(3) For purposes of this section, the term "medical treatment" does not include first-aid treatment (one-time treatment and subsequent observation of minor scratches, cuts, burns, splinters, and any other minor injuries that do not ordinarily require medical care) even though treatment is provided by a physician or by registered professional personnel.

(4) The quarterly injury report is not required of the operator for any quarter in which no reportable injury occurs in any state.

(b) An owner/operator who operates an amusement ride (the operator) shall maintain accurate records of any governmental action taken in any state relating to that particular amusement ride, including an inspection resulting in the repair or replacement of equipment used in the operation of the amusement ride.

(1) TDI adopts and incorporates herein by reference TDI Form AR-801 (Quarterly Governmental Action Report) Effective May, 2000. This form is published by TDI and copies of the form may be obtained from the Loss Control Regulation Division, Mail Code 103-9A, Texas Department of Insurance, P.O. Box 149104, Austin, Texas 78714-9104. The operator shall file a governmental action report on TDI Form AR-801 with TDI on a quarterly basis and shall include in the report a description of each governmental action taken in any state during the quarter covered by the report relating to that particular amusement ride, including an inspection resulting in the repair or replacement of equipment used in the operation of the amusement ride.

(2) For purposes of this section, the term "governmental action" includes an action in the exercise of police power or in the exercise of constitutional, legislative,

administrative, or judicial powers conferred on federal, state or local government, which results in any notification to the owner/operator relating to the amusement ride, including notifications of any perceived deficiencies regarding the safety of the amusement ride or the possibility of actual or imminent non-compliance with applicable laws; or any action taken in an administrative law forum or court of law, including private civil lawsuits.

(3) The quarterly governmental action report is not required of the operator for any quarter in which no reportable governmental action was taken in any state.

(c) An owner/operator who operates an amusement ride (the operator) shall maintain for not less than two years at the location where the ride is operated, for inspection by a municipal, county, or state law enforcement official, a photocopy of any quarterly report required under subsection (a) or (b) of this section to be filed with the commissioner.

§5.9008. Filing Affidavit. In addition to the requirements of the Act, §2151.101(b), the following requirements apply.

(1) In the event a contract for use of an amusement ride provides that the amusement ride will not be operated until after July 1 but prior to December 31 of any year, then timely filing of the insurance policy and inspection certificate shall be made with Texas Department of Insurance (TDI) prior to the operation of the amusement ride. In no event may an amusement ride be operated before the inspection certificate,

insurance policy, and fee are submitted to TDI as required by §5.9004 of this title (relating to Amusement Ride Operation Requirements).

(2) If the amusement ride is inspected more than once a year due to the requirements of this subchapter, a supplemental inspection certificate (TDI Form AR-100, Amusement Ride Certificate of Inspection/Re-Inspection, Revised Effective October, 2005) must be submitted to TDI not later than 15 days after each subsequent inspection. An additional annual \$40 fee is not required for supplemental inspection certificates.

§5.9010. Confirmation of Required Insurance and Inspection Certificate; Rule Construction.

(a) After the required insurance policy and inspection certificate, including certified check or money order for the total amount of annual fee have been received by the Texas Department of Insurance (TDI) and found to be in compliance with the Act and this subchapter, the original amusement ride inspection certificate (TDI Form AR-100, Amusement Ride Certificate of Inspection/Re-Inspection, Revised Effective October, 2005) will be stamped "Texas Department of Insurance Amusement Ride Program," will include the date of approval and will be returned to the insured owner or operator as evidence of compliance with filing requirements. The returned inspection certificate must be kept on the premises at which the amusement ride is offered for public use and made available to any person granted authority under the Act to investigate compliance with the Act. A TDI Form AR-101, (Texas Amusement Ride

Compliance Sticker), Effective May, 2000, will be returned with each inspection certificate. This weatherproof form shall be affixed to the appropriate ride or device in a place easily visible to all ride participants.

(b) If the required insurance policy, inspection certificate, and/or annual fee is found not to be in compliance with the Act, this subchapter, or other applicable law, notice will be provided to the insured owner or operator or their insurer by TDI indicating the necessary action(s) for compliance. If noncompliance is due to mechanical problems or failure to meet insurance standards, another TDI Form AR-100, Amusement Ride Certificate of Inspection/Re-Inspection, Revised Effective October, 2005 shall be submitted to TDI for approval after the necessary corrective action(s) or repair(s) have been completed by the owner or operator. After the necessary actions have been completed by the owner/operator to the satisfaction of TDI, TDI Form AR-100, Revised Effective October, 2005 will be stamped and mailed to the insured owner or operator as described in subsection (a) of this section.

(c) Nothing in this subchapter may be construed to authorize the operation of an amusement ride until all applicable requirements of law are met.

§5.9012. Denial of Entry to Amusement Rides; Prohibiting Operation of Amusement Rides.

(a) The owner/operator of an amusement ride or device shall have the ability to view patrons so that no one is permitted on such ride or device who appears to be in an

intoxicated, drugged, or other condition of health that could be detrimental to the safety of themselves, other patrons, the operator, or spectators.

(b) The owner/operator shall exercise reasonable control to prohibit the wearing of improper attire or lack of attire as deemed appropriate for the ride or device.

(c) The owner/operator will prohibit the carrying of any article which might be dropped or thrown from the ride or device.

(d) The restrictions set forth in this section and others that will preclude participation on an amusement ride or device shall be posted in plain view at the entrance to the ride. No operator may waive such restrictions.

(e) A municipal, county, or state law enforcement official may enter and inspect without notice any amusement ride at any time to ensure public safety, and the owner/operator of an amusement ride must comply with the requirements of §2151.152 of the Act, including providing copies of the inspection certificate and insurance policy and cooperating in the prohibiting of the operation of the amusement ride, if applicable.

(f) A municipal, county, or state law enforcement official may immediately prohibit operation of an amusement ride as set forth in §2151.152, §2151.1525 or §2151.1526 of the Act, and a person may not operate the amusement ride until the requirements of §2151.152, §2151.1525, and §2151.1526 of the Act are met.

CERTIFICATION. This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on _____, 2005.

Gene C. Jarmon
General Counsel and Chief Clerk
Texas Department of Insurance

IT IS THEREFORE THE ORDER of the Commissioner of Insurance that amendments to §§5.9002 – 5.9004, 5.9007, 5.9008, 5.9010, and 5.9012, concerning rules to implement the Amusement Ride Safety Inspection and Insurance Act, are adopted.

AND IT IS SO ORDERED.

MIKE GEESLIN
COMMISSIONER OF INSURANCE

ATTEST:

Gene C. Jarmon
General Counsel and Chief Clerk

COMMISSIONER'S ORDER NO. _____