

**SUBCHAPTER J. RULES TO IMPLEMENT THE AMUSEMENT RIDE SAFETY
INSPECTION AND INSURANCE ACT
28 TAC §5.9003**

1. INTRODUCTION. The commissioner of insurance adopts amendments to Subchapter J, §5.9003, concerning the payment of annual fees by persons operating amusement rides. The amendments are adopted without changes to the proposed text published in the August 22, 2014, issue of the *Texas Register* (39 TexReg 6371).

2. REASONED JUSTIFICATION. These amendments to §5.9003 provide the option of paying required fees online through the Texas OnLine Project. The Texas OnLine Project is the common electronic infrastructure established by Government Code §2054.252 for state agencies and local governments, including licensing entities. The new language specifies that the department authorizes online or electronic transactions and persons must pay the fee associated with the transaction as directed by the department or the Texas OnLine Authority. The website for payment is www.texas.gov. The amendments also allow amusement ride owners and operators to remit fees by personal check, in addition to a cashier's check. Finally, the amendments also clarify that fees are nonrefundable and nontransferable.

The public benefit anticipated as a result of the amendments is the more efficient administration of Occupations Code Chapter 2151 and increased access to state government over the Internet for the public. Owners and operators of amusement rides electing to use the optional electronic transaction available online at www.texas.gov

must pay an additional \$2 plus an additional 2.25 percent for each transaction. Owners and operators of amusement rides are not required to pay online, and the amendments do not impose other new requirements. The department anticipates that the amendments will not substantively affect persons who do not choose to use the optional online payment method.

3. SUMMARY OF COMMENTS AND AGENCY RESPONSE. The department did not receive any comments on the published proposal.

4. STATUTORY AUTHORITY. The department adopts these amendments to 28 TAC §5.9003 under Title 13, Occupations Code, Chapter 2151 and Insurance Code §36.001. Occupations Code §2151.052 provides that the commissioner may establish reasonable and necessary fees, in an amount not to exceed \$40 per year, for each amusement ride covered by this chapter. Section 36.001 provides that the commissioner may adopt any rules necessary and appropriate to implement the powers and duties of the department under the Insurance Code and other laws of this state. Government Code §2054.252(g) requires the department to increase licensing fees in an amount sufficient to cover the department's Texas OnLine Project subscription fee cost.

5. TEXT.

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INSPECTION AND INSURANCE ACT**

3605

TITLE 28. INSURANCE
Part I. Texas Department of Insurance
Chapter 5. Property and Casualty

Adopted Section
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§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 fees must be paid by check or money order made payable to the Texas Department of Insurance; or if paying over the Internet, the fee must be submitted through the Texas OnLine Project, as directed by the Texas OnLine Authority, which may add a surcharge for the online transaction. Except for overpayments resulting from mistakes of law or fact, all fees are nonrefundable and nontransferable.

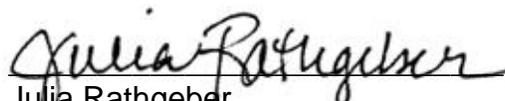
CERTIFICATION. This agency hereby certifies that legal counsel has reviewed the amended section and found it to be a valid exercise of the agency's legal authority.

Issued at Austin, Texas, on October 24, 2014.



Sara Waitt, General Counsel
Texas Department of Insurance

The commissioner adopts the amendments to Subchapter J, §5.9003.



Julia Rathgeber
Commissioner of Insurance

COMMISSIONER'S ORDER NO. **3605**