



Reprinted
April 8, 2005

ENGROSSED
SENATE BILL No. 549

DIGEST OF SB 549 (Updated April 7, 2005 10:13 pm - DI 75)

Citations Affected: IC 22-12; IC 22-15.

Synopsis: Self-insurance for amusement rides. Exempts a governmental entity that is subject to the tort claims act and files notice of self-insurance from the requirement that an amusement device operator must purchase a certain amount of liability insurance coverage. Provides that the office of the state building commission may reduce the aggregate liability insurance requirement from \$5,000,000 to \$1,000,000 for a regulated amusement device operator that operates only bull ride simulators that are multiride electric units with bull ride attachments.

Effective: Upon passage.

Broden, Long, Lutz L
(HOUSE SPONSORS — WHETSTONE, KROMKOWSKI)

January 20, 2005, read first time and referred to Committee on Governmental Affairs and Interstate Cooperation.
February 24, 2005, reported favorably — Do Pass.
February 28, 2005, read second time, amended, ordered engrossed.
March 1, 2005, engrossed. Read third time, passed. Yeas 48, nays 0.
HOUSE ACTION
March 10, 2005, read first time and referred to Committee on Insurance.
March 31, 2005, reported — Do Pass.
April 7, 2005, read second time, amended, ordered engrossed.

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First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 549

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 22-12-1-3.5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.5. (a) "Bull ride
3 simulator" means a device designed to simulate:
4 (1) a rodeo bull ride; or
5 (2) a similarly challenging ride upon another type of animal;
6 by subjecting the rider to a wide range of abrupt motion produced by
7 mechanical, electrical, or hydraulic means. **The term includes a**
8 **multiride electric unit with a bull ride attachment.**
9 (b) The term does not include devices that:
10 (1) resemble animals; and
11 (2) are designed:
12 (A) as an entertainment device;
13 (B) to operate rhythmically within a restricted range of motion;
14 and
15 (C) for use by children.
16 SECTION 2. IC 22-15-7-2.5 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. (a) **Except as**

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1 **provided in subsection (g) or (h)**, the office may not issue a permit
2 under this chapter until the applicant has filed with the office a
3 certificate of insurance indicating that the applicant has liability
4 insurance:

5 (1) in effect with an insurer that is authorized to write insurance
6 in Indiana on the operation of regulated amusement devices; and

7 (2) except for an applicant that is subject to the provisions of
8 IC 34-13-3, that provides coverage to a limit of at least:

9 (A) one million dollars (\$1,000,000) per occurrence and five
10 million dollars (\$5,000,000) in the annual aggregate;

11 (B) five hundred thousand dollars (\$500,000) per occurrence
12 and two million dollars (\$2,000,000) in the annual aggregate
13 if the applicant operates only:

14 (i) a ski lift;

15 (ii) a surface lift or tow; or

16 (iii) both items (i) and (ii); or

17 (C) one million dollars (\$1,000,000) per occurrence and two
18 million dollars (\$2,000,000) in the annual aggregate if the
19 applicant operates only regulated amusement devices that are
20 designed to be used and are ridden by persons who are not
21 more than forty-two (42) inches in height.

22 (b) An insurance policy required under this section may include a
23 deductible clause if the clause provides that any settlement made by the
24 insurance company with an injured person or a personal representative
25 must be paid as though the deductible clause did not apply.

26 (c) An insurance policy required under this section must provide by
27 the policy's original terms or an endorsement that the insurer may not
28 cancel the policy without:

29 (1) thirty (30) days written notice; and

30 (2) a complete report of the reasons for the cancellation to the
31 office.

32 (d) An insurance policy required under this section must provide by
33 the policy's original terms or an endorsement that the insurer shall
34 report to the office within twenty-four (24) hours after the insurer pays
35 a claim or reserves any amount to pay an anticipated claim that reduces
36 the liability coverage to a limit of less than one million dollars
37 (\$1,000,000) because of bodily injury or death in an occurrence.

38 (e) If an insurance policy required under this section:

39 (1) is canceled during the policy's term;

40 (2) lapses for any reason; or

41 (3) has the policy's coverage fall below the required amount;

42 the permittee shall replace the policy with another policy that complies

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1 with this section.
 2 (f) If a permittee fails to file a certificate of insurance for new or
 3 replacement insurance, the permittee:
 4 (1) must cease all operations under the permit immediately; and
 5 (2) may not conduct further operations until the permittee
 6 receives the approval of the office to resume operations after the
 7 permittee complies with the requirements of this section.
 8 **(g) The office may issue a permit under this chapter to an**
 9 **applicant that:**
 10 **(1) is subject to IC 34-13-3; and**
 11 **(2) has not filed a certificate of insurance under subsection**
 12 **(a);**
 13 **if the applicant has filed with the office a notification indicating**
 14 **that the applicant is self-insured for liability.**
 15 **(h) The office may reduce liability insurance coverage required**
 16 **under subsection (a)(2)(A) to one million dollars (\$1,000,000) in the**
 17 **annual aggregate for an applicant that:**
 18 **(1) operates only regulated amusement devices that are bull**
 19 **ride simulators that are multiride electric units with bull ride**
 20 **attachments; and**
 21 **(2) otherwise complies with the requirements of this chapter.**
 22 **SECTION 3. An emergency is declared for this act.**

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SENATE MOTION

Madam President: I move that Senator Long be added as second author of Senate Bill 549.

BRODEN

COMMITTEE REPORT

Madam President: The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred Senate Bill No. 549, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 549 as introduced.)

RIEGSECKER, Chairperson

Committee Vote: Yeas 8, Nays 0.

SENATE MOTION

Madam President: I move that Senator Lutz be added as coauthor of Senate Bill 549.

BRODEN

SENATE MOTION

Madam President: I move that Senate Bill 549 be amended to read as follows:

Page 1, line 2, delete "[EFFECTIVE JULY 1, 2005]" and insert "[EFFECTIVE UPON PASSAGE]".

(Reference is to sb 549 as printed February 25, 2005.)

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, to which was referred Senate Bill 549, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

RIPLEY, Chair

Committee Vote: yeas 10, nays 0.

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 549 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 22-12-1-3.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.5. (a) "Bull ride simulator" means a device designed to simulate:

- (1) a rodeo bull ride; or
 - (2) a similarly challenging ride upon another type of animal;
- by subjecting the rider to a wide range of abrupt motion produced by mechanical, electrical, or hydraulic means. **The term includes a multiride electric unit with a bull ride attachment.**

(b) The term does not include devices that:

- (1) resemble animals; and
- (2) are designed:
 - (A) as an entertainment device;
 - (B) to operate rhythmically within a restricted range of motion; and
 - (C) for use by children."

Page 1, line 3, delete "," and insert "**or (h)**".

Page 2, after line 40, begin a new paragraph and insert:

"(h) The office may reduce liability insurance coverage required under subsection (a)(2)(A) to one million dollars (\$1,000,000) in the annual aggregate for an applicant that:

- (1) operates only regulated amusement devices that are bull ride simulators that are multiride electric units with bull ride attachments; and**
- (2) otherwise complies with the requirements of this chapter.**

SECTION 3. An emergency is declared for this act."

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Renumber all SECTIONS consecutively.

(Reference is to ESB 549 as printed April 1, 2005.)

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