

SENATE BILL No. 191

DIGEST OF INTRODUCED BILL

Citations Affected: IC 22-15-7-2.5.

Synopsis: State insurance requirements for certain vehicles. Reduces the annual aggregate insurance coverage limits required for certain regulated amusement devices when the following conditions are met: (1) The applicant operates regulated amusement devices at a festival or similar event that include, but are not limited to, a trackless train that is designed to be used and is ridden by persons who are not more than 42 inches in height. (2) The trackless train is operated as an amusement device not more than two days during the year. (3) The applicant otherwise complies with the requirements of the regulated amusement devices law.

Effective: July 1, 2022.

Holdman

January 6, 2022, read first time and referred to Committee on Homeland Security and Transportation.



Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

SENATE BILL No. 191

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

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

1 SECTION 1. IC 22-15-7-2.5, AS AMENDED BY P.L.187-2021,
2 SECTION 123, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2022]: Sec. 2.5. (a) Except as provided in
4 subsection (g), ~~or (h), or (i)~~, the department may not issue a permit
5 under this chapter until the applicant has filed with the department a
6 certificate of insurance indicating that the applicant has liability
7 insurance:
8 (1) in effect with an insurer that is authorized to write insurance
9 in Indiana on the operation of regulated amusement devices; and
10 (2) except for an applicant that is subject to the provisions of
11 IC 34-13-3, that provides coverage to a limit of at least:
12 (A) one million dollars (\$1,000,000) per occurrence and five
13 million dollars (\$5,000,000) in the annual aggregate;
14 (B) five hundred thousand dollars (\$500,000) per occurrence
15 and two million dollars (\$2,000,000) in the annual aggregate
16 if the applicant operates only:
17 (i) a ski lift;



- 1 (ii) a surface lift or tow; or
2 (iii) both items (i) and (ii); or
3 (C) one million dollars (\$1,000,000) per occurrence and two
4 million dollars (\$2,000,000) in the annual aggregate if the
5 applicant operates only regulated amusement devices that are
6 designed to be used and are ridden by persons who are not
7 more than forty-two (42) inches in height.
- 8 (b) An insurance policy required under this section may include a
9 deductible clause if the clause provides that any settlement made by the
10 insurance company with an injured person or a personal representative
11 must be paid as though the deductible clause did not apply.
- 12 (c) An insurance policy required under this section must provide by
13 the policy's original terms or an endorsement that the insurer may not
14 cancel the policy without:
- 15 (1) thirty (30) days written notice; and
16 (2) a complete report of the reasons for the cancellation to the
17 division.
- 18 (d) An insurance policy required under this section must provide by
19 the policy's original terms or an endorsement that the insurer shall
20 report to the department within twenty-four (24) hours after the insurer
21 pays a claim or reserves any amount to pay an anticipated claim that
22 reduces the liability coverage to a limit of less than one million dollars
23 (\$1,000,000) because of bodily injury or death in an occurrence.
- 24 (e) If an insurance policy required under this section:
- 25 (1) is canceled during the policy's term;
26 (2) lapses for any reason; or
27 (3) has the policy's coverage fall below the required amount;
28 the permittee shall replace the policy with another policy that complies
29 with this section.
- 30 (f) If a permittee fails to file a certificate of insurance for new or
31 replacement insurance, the permittee:
- 32 (1) must cease all operations under the permit immediately; and
33 (2) may not conduct further operations until the permittee
34 receives the approval of the department to resume operations after
35 the permittee complies with the requirements of this section.
- 36 (g) The department may issue a permit under this chapter to an
37 applicant that:
- 38 (1) is subject to IC 34-13-3; and
39 (2) has not filed a certificate of insurance under subsection (a);
40 if the applicant has filed with the department a notification indicating
41 that the applicant is self-insured for liability.
- 42 (h) The department may reduce the annual aggregate liability



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

3 (1) operates only regulated amusement devices that are bull ride
4 simulators that are multiride electric units with bull ride
5 attachments; and

6 (2) otherwise complies with the requirements of this chapter.

7 **(i) The department shall reduce the annual aggregate liability**
8 **insurance coverage required under subsection (a)(2)(A) to one**
9 **million dollars (\$1,000,000) in the annual aggregate for an**
10 **applicant that meets the following conditions:**

11 **(1) The applicant operates regulated amusement devices at a**
12 **festival or similar event that include, but are not limited to, a**
13 **trackless train that is designed to be used and is ridden by**
14 **persons who are not more than forty-two (42) inches in height.**

15 **(2) The trackless train described in subdivision (1) is operated**
16 **as an amusement device not more than two (2) days during**
17 **the year.**

18 **(3) The applicant otherwise complies with the requirements**
19 **of this chapter.**

20 **As used in this subsection, "trackless train" means a trackless train**
21 **(as defined in 675 IAC 31-3-37, as in effect on July 1, 2022) or**
22 **similar devices.**

