

HCS HB 1341 -- SWIMMING POOL LIABILITY (Ruestman)

COMMITTEE OF ORIGIN: Special Committee on Health Insurance

This substitute establishes Ethan's Law which requires the owner of a for-profit, privately owned swimming pool or facility that has a capacity of less than 500 patrons and charges an admission fee to maintain adequate liability insurance in an amount of at least \$1 million in the event of injury or death of a patron. For each day an owner violates the provisions of the substitute, he or she will be subject to a fine of \$250 per day of violation, with a maximum of \$10,000, and will not be permitted to remain in operation. An owner could also be responsible for reimbursing any costs incurred by the state or county for enforcing the fines and consequences of lacking proper liability insurance. If an owner intentionally cancels, terminates, or fails to renew his or her liability insurance, the owner will be guilty of a class A misdemeanor.

The Department of Public Safety and local law enforcement agencies will collaborate to enforce the civil and criminal consequences when an owner does not have adequate liability coverage. Insurance companies must notify the department if an owner terminates, cancels, or fails to renew his or her liability insurance.

The substitute contains an emergency clause.

FISCAL NOTE: No impact on state funds in FY 2009, FY 2010, and FY 2011.