

HCS HB 1341 -- SWIMMING POOL LIABILITY

SPONSOR: Wilson, 130 (Ruestman)

COMMITTEE ACTION: Voted "do pass" by the Special Committee on Health Insurance by a vote of 8 to 0.

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.

PROPOSERS: Supporters say that the intent of the bill is to ensure oversight over for-profit pools and facilities that reside outside the city limits within a county. Currently, these pools do not have any insurance liability requirements. Liability insurance requirements will provide additional safety standards that might prevent a death. These pools will have to be registered with the department so that the pool owner cannot drop insurance later. This is not about the amount of coverage, but rather to ensure safety through safety requirements. It is not adding any additional responsibilities or oversight from the state and is a reasonable expectation to require pools to have liability insurance and to be regulated.

Testifying for the bill were Representative Ruestman; Lauren Cory; Savannah Fields; John Cory; and Sheriff Ken Copeland.

OPPONENTS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill say there are only a few of these parks so no excess in the workload of the local law enforcement official is expected when enforcing the provisions of the bill.

Testifying on the bill was Division of Fire Safety, Department of Public Safety.