

VERNON'S CIVIL STATUTES

TITLE 132. OCCUPATIONAL AND BUSINESS REGULATION

CHAPTER 20. MISCELLANEOUS

Art. 9010. PEDDLING OF PRINTED MATTER BY DEAF OR MUTE PERSONS. It shall be unlawful for any person to peddle or use a finger alphabet card or other printed matter stating in effect that the person is deaf and/or mute, in a manner calculated to play upon the sympathy of another in the solicitation of a contribution or donation. Any person violating any provision hereof shall be deemed guilty of a misdemeanor and upon conviction shall be punished by imprisonment in the county jail for not more than sixty (60) days or by a fine of not less than Ten Dollars (\$10) nor more than Fifty Dollars (\$50), or by both imprisonment and fine.

Acts 1959, 56th Leg., p. 1066, ch. 487, Sec. 1.

Art. 9030. EXCURSION TRAIN OPERATORS; CERTIFICATION; LIMITATION OF LIABILITY.

Sec. 1. CERTIFICATION. (a) A person may apply to the comptroller for certification as an operator of an excursion train. The comptroller shall certify an applicant if the comptroller determines that the applicant will operate a passenger train that:

- (1) is primarily used for tourism or public service; and
- (2) leads to the promotion of the tourist industry in Texas.

(b) The comptroller may not certify a person under Subsection (a) of this section unless the person files with the comptroller evidence of insurance providing coverage for liability resulting from injury to persons or damages to property in the amount of at least \$5,000,000 for the operation of the train.

(c) The comptroller may not certify an applicant under Subsection (a) of this section if the applicant or any person that owns an interest in the applicant also owns or operates a regularly scheduled passenger train service with interstate connections.

Sec. 2. LIMITATION OF LIABILITY. (a) A person that is certified as an operator of an excursion train under Section 1(a) of this Act and maintains insurance in the minimum amount required under Section 1(b) of this Act is not liable for injury or damages

over \$5,000,000 resulting from a single occurrence.

(b) The limitation of liability under Subsection (a) of this section applies to the person certified as an operator under Section 1(a) of this Act, the owner of equipment used by the excursion train, the owner of track used by the excursion train, and the host carrier.

(c) The limitation of liability under Subsection (a) of this section does not apply if:

(1) the injury or damages result from intentional, malicious, or grossly negligent conduct; or

(2) at the time of the injury or damages the operator of the excursion train:

(A) failed to maintain insurance as required under Section 1(b) of this Act; or

(B) failed to comply with Section 5 of this Act.

Sec. 3. APPLICATION. An application made under Section 1 of this Act must include:

(1) the name and address of each person who owns an interest of at least 10 percent in the applicant;

(2) an address in this state at which the excursion train is based;

(3) an operations plan including the route to be used and a schedule of operations and stops along the route; and

(4) evidence of insurance in an amount that meets the requirements of Section 1(b) of this Act.

Sec. 4. NOTICE TO PASSENGERS. The operator of an excursion train that is certified under Section 1(a) of this Act shall:

(1) issue each passenger a ticket with the following statement in 12-point boldface type: "THE OPERATOR OF THIS TRAIN IS NOT LIABLE FOR PERSONAL INJURY OR WRONGFUL DEATH IN AN AMOUNT IN EXCESS OF \$5,000,000"; and

(2) post notice near a passenger boarding area containing the same statement required in Subdivision (1) of this section in letters that are at least two inches high.

Sec. 5. RESTRICTIONS. The operator of an excursion train that is certified under Section 1(a) of this Act may not carry:

(1) freight other than the personal luggage of the passengers

or crew or supplies and equipment necessary to serve the needs of the passengers and crew;

(2) passengers who are commuting to work; or

(3) passengers who are traveling to their final destination solely for business or commercial purposes.

Acts 1995, 74th Leg., ch. 910, eff. Sept. 1, 1995.