

HOUSE BILL No. 2186

By Committee on Federal and State Affairs

2-2

9 AN ACT concerning amusement rides; amending K.S.A. 2008 Supp. 44-
10 1601 and repealing the existing section.

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12 *Be it enacted by the Legislature of the State of Kansas:*

13 New Section 1. The provisions of K.S.A. 2008 Supp. 44-1601
14 through 44-1612, and amendments thereto, shall not apply to home-
15 owned amusement rides, as defined in K.S.A. 2008 Supp. 44-1601, and
16 amendments thereto.

17 Sec. 2. K.S.A. 2008 Supp. 44-1601 is hereby amended to read as
18 follows: 44-1601. As used in this act:

19 (a) (1) "Amusement ride" means any mechanical or electrical device
20 that carries or conveys passengers along, around or over a fixed or re-
21 stricted route or course or within a defined area for the purpose of giving
22 its passengers amusement, pleasure, thrills or excitement and shall in-
23 clude, but not be limited to:

24 (A) Rides commonly known as ferris wheels, carousels, parachute
25 towers, bungee jumping, reverse bungee jumping, tunnels of love and
26 roller coasters;

27 (B) equipment generally associated with winter activities, such as ski
28 lifts, ski tows, j-bars, t-bars, chair lifts and aerial tramways; and

29 (C) equipment not originally designed to be used as an amusement
30 ride, such as cranes or other lifting devices, when used as part of an
31 amusement ride.

32 (2) "Amusement ride" does not include:

33 (A) Games, concessions and associated structures;

34 (B) any single passenger coin-operated ride that: (i) Is manually, me-
35 chanically or electrically operated; (ii) is customarily placed in a public
36 location; and (iii) does not normally require the supervision or services of
37 an operator; or

38 (C) nonmechanized playground equipment, including, but not lim-
39 ited to, swings, seesaws, stationary spring-mounted animal features, rider-
40 propelled merry-go-rounds, climbers, slides, trampolines, moon walks
41 and other inflatable equipment and physical fitness devices.

42 (b) "Certificate of inspection" means a certificate, signed and dated
43 by a qualified inspector, showing that an amusement ride has satisfactorily

- 1 passed inspection by such inspector.
- 2 (c) “Department” means the department of labor.
- 3 (d) “Home-owned amusement ride” means an amusement ride owned
4 by a not-for-profit entity and operated:
- 5 (1) Solely within a single county;
- 6 (2) by individuals on a volunteer basis; and
- 7 (3) for a period not to exceed 12 consecutive days within one calendar
8 year.
- 9 ~~(d)~~ (e) “Nondestructive testing” means the development and appli-
10 cation of technical methods such as radiographic, magnetic particle, ul-
11 trasonic, liquid penetrant, electromagnetic, neutron radiographic, acous-
12 tic emission, visual and leak testing to:
- 13 (1) Examine materials or components in ways that do not impair the
14 future usefulness and serviceability in order to detect, locate, measure
15 and evaluate discontinuities, defects and other imperfections;
- 16 (2) assess integrity, properties and composition; and
- 17 (3) measure geometrical characters.
- 18 ~~(e)~~ (f) “Operator” means a person actually engaged in or directly con-
19 trolling the operations of an amusement ride.
- 20 ~~(f)~~ (g) “Owner” means a person who owns, leases, controls or man-
21 ages the operations of an amusement ride and may include the state or
22 any political subdivision of the state.
- 23 ~~(g)~~ (h) “Parent or guardian” means any parent, guardian or custodian
24 responsible for the control, safety, training or education of a minor or an
25 adult or minor with an impairment in need of a guardian or a conservator,
26 or both, as those terms are defined by K.S.A. 59-3051 and amendments
27 thereto.
- 28 ~~(h)~~ (i) (1) “Patron” means any individual who is:
- 29 (A) Waiting in the immediate vicinity of an amusement ride to get
30 on the ride;
- 31 (B) getting on an amusement ride;
- 32 (C) using an amusement ride;
- 33 (D) getting off an amusement ride; or
- 34 (E) leaving an amusement ride and still in the immediate vicinity of
35 the ride.
- 36 (2) “Patron” does not include employees, agents or servants of the
37 owner while engaged in the duties of their employment.
- 38 ~~(i)~~ (j) “Person” means any individual, association, partnership, cor-
39 poration, limited liability company, government or other entity.
- 40 ~~(j)~~ (k) “Qualified inspector” means a person who holds a current cer-
41 tification or other evidence of qualification to inspect amusement rides,
42 issued by a program specified by rules and regulations adopted under
43 K.S.A. 2008 Supp. 44-1603, and amendments thereto.

- 1 ~~(l)~~ (l) “Secretary” means the secretary of labor.
2 ~~(m)~~ (m) “Serious injury” means an injury that results in:
3 (1) Death, dismemberment, significant disfigurement or permanent
4 loss of the use of a body organ, member, function or system;
5 (2) a compound fracture; or
6 (3) other significant injury or illness that requires immediate admis-
7 sion and overnight hospitalization and observation by a licensed physician.
8 ~~(n)~~ (n) “Sign” means any symbol or language reasonably calculated
9 to communicate information to patrons or their parents or guardians,
10 including placards, prerecorded messages, live public address, stickers,
11 pictures, pictograms, guide books, brochures, videos, verbal information
12 and visual signals.
13 Sec. 3. K.S.A. 2008 Supp. 44-1601 is hereby repealed.
14 Sec. 4. This act shall take effect and be in force from and after Jan-
15 uary 1, 2009, and its publication in the statute book.