

## HOUSE BILL No. 2311

By Committee on Federal and State Affairs

2-7

1 AN ACT concerning the Kansas amusement ride act; relating to inflatable  
2 devices and other amusement rides; inspections, training and annual  
3 fees; amending K.S.A. 44-1601, 44-1602, 44-1605 and 44-1616 and  
4 repealing the existing sections.

5  
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 44-1601 is hereby amended to read as follows: 44-  
8 1601. As used in this act:

9 (a) (1) "Amusement ride" means any mechanical or electrical device  
10 that carries or conveys passengers along, around or over a fixed or  
11 restricted route or course or within a defined area for the purpose of giving  
12 its passengers amusement, pleasure, thrills or excitement, including, but  
13 not be limited to:

14 (A) Rides commonly known as ferris wheels, carousels, parachute  
15 towers, bungee jumping, reverse bungee jumping, tunnels of love, roller  
16 coasters, boat rides, water slides, inflatable devices, commercial zip lines,  
17 trampoline courts and go-karts;

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

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

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

24 (A) Games, concessions and associated structures;

25 (B) any single passenger coin-operated ride that: (i) Is manually,  
26 mechanically or electrically operated; (ii) is customarily placed in a public  
27 location; and (iii) does not normally require the supervision or services of  
28 an operator;

29 (C) nonmechanized playground equipment, including, but not limited  
30 to, swings, seesaws, stationary spring-mounted animal features, rider-  
31 propelled merry-go-rounds, climbers, slides and physical fitness devices;

32 (D) antique amusement rides;

33 (E) limited-use amusement rides;

34 (F) registered agritourism activities;

35 (G) any ride commonly known as a hayrack ride in which patrons sit  
36 in a wagon or cart that is then pulled by horses or a tractor or other motor

1 vehicle;

2 (H) any ride commonly known as a barrel train, which has a series of  
3 handmade cars fashioned from barrels that are connected and pulled by a  
4 tractor or other motor vehicle; or

5 (I) any amusement ride owned by an individual and operated solely  
6 within a single county for strictly private use.

7 (b) "Antique amusement ride" means an amusement ride, as defined  
8 in subsection (a)(1), manufactured prior to January 1, 1930.

9 (c) "Certificate of inspection" means a certificate, signed and dated  
10 by a qualified inspector, showing that an amusement ride has satisfactorily  
11 passed inspection by such inspector.

12 (d) "Class A amusement ride" means an amusement ride designed for  
13 use primarily by individuals aged 12 or less.

14 (e) "Class B amusement ride" means an amusement ride that is not  
15 classified as a class A amusement ride.

16 (f) "Department" means the department of labor.

17 (g) "Limited-use amusement ride" means an amusement ride, as  
18 defined in subsection (a)(1), owned and operated by a nonprofit,  
19 community-based organization that is operated for less than 20 days, or  
20 160 hours, in a year and is operated at only one location each year.

21 (h) "Nondestructive testing" means the development and application  
22 of technical methods in accordance with ASTM F747 standards such as  
23 radiographic, magnetic particle, ultrasonic, liquid penetrant,  
24 electromagnetic, neutron radiographic, acoustic emission, visual and leak  
25 testing to:

26 (1) Examine materials or components in ways that do not impair the  
27 future usefulness and serviceability in order to detect, locate, measure and  
28 evaluate discontinuities, defects and other imperfections;

29 (2) assess integrity, properties and composition; and

30 (3) measure geometrical characters.

31 (i) "Operator" means a person actually supervising, or engaged in or  
32 directly controlling the operations of an amusement ride.

33 (j) "Owner" means a person who owns, leases, controls or manages  
34 the operations of an amusement ride and may include the state or any  
35 political subdivision of the state.

36 (k) "Parent or guardian" means any parent, guardian or custodian  
37 responsible for the control, safety, training or education of a minor or an  
38 adult or minor with an impairment in need of a guardian or a conservator,  
39 or both, as those terms are defined by K.S.A. 59-3051, and amendments  
40 thereto.

41 (l) (1) "Patron" means any individual who is:

42 (A) Waiting in the immediate vicinity of an amusement ride to get on  
43 the ride;

- 1 (B) getting on an amusement ride;
- 2 (C) using an amusement ride;
- 3 (D) getting off an amusement ride; or
- 4 (E) leaving an amusement ride and still in the immediate vicinity of
- 5 the ride.

6 (2) "Patron" does not include employees, agents or servants of the  
7 owner while engaged in the duties of their employment.

8 (m) "Person" means any individual, association, partnership,  
9 corporation, limited liability company, government or other entity.

10 (n) "Qualified inspector" means a person who:

11 (1) Is a licensed professional engineer, as defined in K.S.A. 74-7003,  
12 and amendments thereto, and has completed at least two years of  
13 experience in the amusement ride field, consisting of at least one year of  
14 actual inspection of amusement rides under a qualified inspector for a  
15 manufacturer, governmental agency, amusement park, carnival or  
16 insurance underwriter, and an additional year of practicing any  
17 combination of amusement ride inspection, design, fabrication,  
18 installation, maintenance, testing, repair or operation;

19 (2) provides satisfactory evidence of completing a minimum of five  
20 years of experience in the amusement ride field, at least two years of  
21 which consisted of actual inspection of amusement rides under a qualified  
22 inspector for a manufacturer, governmental agency, amusement park,  
23 carnival or insurance underwriter, and the remaining experience consisting  
24 of any combination of amusement ride inspection, design, fabrication,  
25 installation, maintenance, testing, repair or operation;

26 (3) has received qualified training from a third party, such as  
27 attainment of level I certification from the national association of  
28 amusement ride safety officials (NAARSO), attainment of level I  
29 certification from the amusement industry manufacturers and suppliers  
30 international (AIMS), attainment of a qualified inspector certification from  
31 the association for challenge course technology (ACCT), when applicable,  
32 or other similar qualification from another nationally recognized  
33 organization; or

34 (4) for purposes of inspecting inflatable devices ~~that are rented on a~~  
35 ~~regular basis and erected at temporary locations,~~ provides satisfactory  
36 ~~evidence of completing a minimum of five years of experience working~~  
37 ~~with inflatable devices and~~ has received qualified training from a third  
38 party, such as attainment of an advanced inflatable safety operations  
39 certification from the safe inflatable operators training organization or  
40 other nationally recognized organization. *Such training shall be good for*  
41 *five years.*

42 (o) "Registered agritourism activity" means an amusement ride, as  
43 defined in subsection (a)(1), that is a registered agritourism activity, as

1 defined in K.S.A. 32-1432, and amendments thereto.

2 (p) "Secretary" means the secretary of labor.

3 (q) "Serious injury" means an injury that results in:

4 (1) Death, dismemberment, significant disfigurement or permanent  
5 loss of the use of a body organ, member, function or system;

6 (2) a compound fracture; or

7 (3) other injury or illness that requires immediate admission and  
8 overnight hospitalization, and observation by a licensed physician.

9 (r) "Sign" means any symbol or language reasonably calculated to  
10 communicate information to patrons or their parents or guardians,  
11 including placards, prerecorded messages, live public address, stickers,  
12 pictures, pictograms, guide books, brochures, videos, verbal information  
13 and visual signals.

14 (s) "Water slide" means a slide that is at least 35 feet in height and  
15 that uses water to propel the patron through the ride.

16 Sec. 2. K.S.A. 44-1602 is hereby amended to read as follows: 44-  
17 1602. (a) No amusement ride, *antique amusement ride, limited-use*  
18 *amusement ride or registered agritourism activity* shall be operated in this  
19 state unless such ride has a valid certificate of inspection. An amusement  
20 ride—~~erected~~, *antique amusement ride, limited-use amusement ride or*  
21 *registered agritourism activity operated* in this state shall be inspected by a  
22 qualified inspector at least every 12 months.

23 The certificate of an inspection required by this subsection shall be  
24 signed and dated by the inspector and shall be available to any person  
25 contracting with the owner for the operation of such amusement ride,  
26 antique amusement ride, limited-use amusement ride or registered  
27 agritourism activity. In addition, a visible inspection decal provided by the  
28 department or other evidence of inspection shall be posted in plain view on  
29 or near the amusement ride, antique amusement ride, limited-use  
30 amusement ride or registered agritourism activity in a location where it can  
31 easily be seen.

32 (b) Inspections performed pursuant to this section shall be paid for by  
33 the owner of the amusement ride, antique amusement ride, limited-use  
34 amusement ride or registered agritourism activity, or in the case of a state  
35 agency or political subdivision of the state, such governmental entity shall  
36 pay for the inspection.

37 (c) In addition to the annual inspection required by subsection (a), the  
38 operator of an amusement ride, antique amusement ride, limited-use  
39 amusement ride or registered agritourism activity shall perform and record  
40 daily inspections of the ride. The daily inspection shall include an  
41 inspection of equipment identified for daily inspection in accordance with  
42 the applicable codes and the manufacturer's recommendations.

43 (d) The secretary shall conduct random compliance audits of

1 amusement rides erected both at permanent locations and at temporary  
2 locations. A warning citation for violation of this act shall be issued against  
3 any owner or operator for a first violation.

4 (e) The secretary shall develop an inspection checklist, which shall be  
5 posted on the department's website.

6 Sec. 3. K.S.A. 44-1605 is hereby amended to read as follows: 44-  
7 1605. (a) No amusement ride, *antique amusement ride, limited-use*  
8 *amusement ride or registered agritourism activity* shall be operated in this  
9 state unless the operator has satisfactorily completed training that includes,  
10 at a minimum:

11 (1) Instruction on operating procedures for the ride, the specific  
12 duties of the operator, general safety procedures and emergency  
13 procedures;

14 (2) demonstration of physical operation of the ride; and

15 (3) supervised observation of the operator's physical operation of the  
16 ride.

17 (b) No amusement ride, *antique amusement ride, limited-use*  
18 *amusement ride or registered agritourism activity* shall be operated in this  
19 state unless the name of each operator trained to operate the ride and the  
20 certificate of each such operator's satisfactory completion of such training,  
21 signed and dated by the trainer, is available to any person contracting with  
22 the owner for the amusement ride's operation on the premises where the  
23 amusement ride is operated, during the hours of operation of the ride.

24 (c) No inflatable device ~~that is rented on a regular basis and erected at~~  
25 ~~a temporary location~~ shall be operated in this state unless the operator has  
26 been trained by a person who has attained a basic inflatable safety  
27 operations certification from the safe inflatable operators training  
28 organization or other nationally recognized organization on how to  
29 properly operate such device in accordance with the manufacturer's  
30 guidelines.

31 (d) No slide that uses water to propel the patron through the ride and  
32 that is at least 15 feet in height shall be operated in this state unless there is  
33 an attendant stationed at such slide to ensure patrons are properly adhering  
34 to the safety standards in place.

35 Sec. 4. K.S.A. 44-1616 is hereby amended to read as follows: 44-  
36 1616. (a) No amusement ride shall be operated in this state unless a valid  
37 permit for such ride has been issued by the department. The owner of an  
38 amusement ride shall make application for a permit for such amusement  
39 ride to the secretary on such form and in such manner as prescribed by the  
40 secretary. The application for a permit shall include, but is not limited to,  
41 the following:

42 (1) The name of the owner and operator of the amusement ride;

43 (2) the location of the amusement ride, or the location where such

1 ride is stored when not in use;

2 (3) valid certificate of inspection;

3 (4) proof of insurance; and

4 (5) (A) for amusement rides manufactured prior to July 1, 2018,  
5 certification that such ride qualifies as service proven, as that term is used  
6 in the applicable ASTM international F24 committee standards; and

7 (B) for amusement rides manufactured on and after July 1, 2018,  
8 certification that such ride meets the applicable ASTM international F24  
9 committee standards pertaining to ride maintenance and operation.

10 (b) Each applicant shall submit a permit fee along with the  
11 application in an amount as follows:

12 (1) For amusement rides erected at a permanent location, \$75 for a  
13 class A amusement ride, and \$100 for a class B amusement ride;

14 (2) for amusement rides erected at a temporary location, \$30; ~~and~~

15 (3) for amusement rides owned or operated by a municipality or a  
16 nonprofit entity, whether erected at a permanent or temporary location,  
17 \$10; *and*

18 (4) *for amusement rides commonly known as inflatable devices:*

19 (A) *For 10 or fewer inflatable devices, \$100;*

20 (B) *for 11 through 24 inflatable devices, \$175; and*

21 (C) *for 25 or more devices, \$250.*

22 (c) Upon approval of an application and receipt of the required fee,  
23 the secretary shall issue a permit for the amusement ride. Such permit shall  
24 be valid for one year from the date of issuance. Any permit fee paid by an  
25 applicant shall be returned to the applicant if the application is denied.

26 (d) In addition to the permit fees required under subsection (b), no  
27 amusement ride shall be operated in this state unless the owner of such  
28 ride has registered as an amusement ride owner with the department.  
29 Registration shall be valid for a period of one year. The owner of an  
30 amusement ride shall register with the department in such form and in  
31 such manner as prescribed by the secretary, and by paying a registration  
32 fee as follows:

33 (1) For amusement rides erected at a permanent location, \$500;

34 (2) for amusement rides erected at a temporary location, \$250; and

35 (3) for amusement rides owned by a municipality or nonprofit entity,  
36 whether erected at a permanent or temporary location, \$50.

37 The fee required under this subsection shall be an annual fee paid by  
38 the owner, regardless of the number of amusement rides owned by such  
39 owner.

40 (e) All fees received by the secretary pursuant to this section shall be  
41 remitted by the secretary to the state treasurer in accordance with the  
42 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of  
43 each such remittance, the state treasurer shall deposit the entire amount in

1 the state treasury to the credit of the amusement ride safety fund.

2 Sec. 5. K.S.A. 44-1601, 44-1602, 44-1605 and 44-1616 are hereby  
3 repealed.

4 Sec. 6. This act shall take effect and be in force from and after its  
5 publication in the statute book.