

HOUSE BILL No. 2528

By Committee on Federal and State Affairs

1-24

1 AN ACT concerning amusement rides; relating to the Kansas amusement
2 ride act; definitions; exempting inflatable devices owned or operated by
3 nonprofit organizations from the requirements of the act; amending
4 K.S.A. 44-1601 and repealing the existing section.

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 inflatable device that is owned or operated by a nonprofit
36 organization as defined in K.S.A. 44-543, and amendments thereto;*

1 (H) any ride commonly known as a hayrack ride in which patrons sit
2 in a wagon or cart that is then pulled by horses or a tractor or other motor
3 vehicle;

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

7 ~~(H)~~(J) any amusement ride owned by an individual and operated
8 solely within a single county for strictly private use.

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

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

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

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

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

19 (g) *"Inflatable device" means an amusement device that is used to*
20 *bounce or otherwise play on and that incorporates a structural and*
21 *mechanical system and employs a high-strength fabric or film that*
22 *achieves its strength, shape and stability by tensioning from internal air*
23 *pressure.*

24 (h) "Limited-use amusement ride" means an amusement ride, as
25 defined in subsection (a)(1), owned and operated by a nonprofit,
26 community-based organization that is operated for less than 20 days, or
27 160 hours, in a year and is operated at only one location each year.

28 ~~(H)~~(i) "Nondestructive testing" means the development and
29 application of technical methods in accordance with ASTM F747
30 standards such as radiographic, magnetic particle, ultrasonic, liquid
31 penetrant, electromagnetic, neutron radiographic, acoustic emission, visual
32 and leak testing to:

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

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

37 (3) measure geometrical characters.

38 ~~(H)~~(j) "Operator" means a person actually supervising, or engaged in
39 or directly controlling the operations of an amusement ride.

40 ~~(H)~~(k) "Owner" means a person who owns, leases, controls or manages
41 the operations of an amusement ride and may include the state or any
42 political subdivision of the state.

43 ~~(H)~~(l) "Parent or guardian" means any parent, guardian or custodian

1 responsible for the control, safety, training or education of a minor or an
2 adult or minor with an impairment in need of a guardian or a conservator,
3 or both, as those terms are defined by K.S.A. 59-3051, and amendments
4 thereto.

5 ~~(m)~~(m) (1) "Patron" means any individual who is:

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

8 (B) getting on an amusement ride;

9 (C) using an amusement ride;

10 (D) getting off an amusement ride; or

11 (E) leaving an amusement ride and still in the immediate vicinity of
12 the ride.

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

15 ~~(n)~~(n) "Person" means any individual, association, partnership,
16 corporation, limited liability company, government or other entity.

17 ~~(o)~~(o) "Qualified inspector" means a person who:

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

26 (2) provides satisfactory evidence of completing a minimum of five
27 years of experience in the amusement ride field, at least two years of
28 which consisted of actual inspection of amusement rides under a qualified
29 inspector for a manufacturer, governmental agency, amusement park,
30 carnival or insurance underwriter, and the remaining experience consisting
31 of any combination of amusement ride inspection, design, fabrication,
32 installation, maintenance, testing, repair or operation;

33 (3) has received qualified training from a third party, such as
34 attainment of level I certification from the national association of
35 amusement ride safety officials (NAARSO), attainment of level I
36 certification from the amusement industry manufacturers and suppliers
37 international (AIMS), attainment of a qualified inspector certification from
38 the association for challenge course technology (ACCT), when applicable,
39 or other similar qualification from another nationally recognized
40 organization; or

41 (4) for purposes of inspecting inflatable devices that are rented on a
42 regular basis and erected at temporary locations, provides satisfactory
43 evidence of completing a minimum of five years of experience working

1 with inflatable devices and has received qualified training from a third
2 party, such as attainment of an advanced inflatable safety operations
3 certification from the safe inflatable operators training organization or
4 other nationally recognized organization.

5 ~~(p)~~ "Registered agritourism activity" means an amusement ride, as
6 defined in subsection (a)(1), that is a registered agritourism activity, as
7 defined in K.S.A. 32-1432, and amendments thereto.

8 ~~(q)~~ "Secretary" means the secretary of labor.

9 ~~(r)~~ "Serious injury" means an injury that results in:

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

12 (2) a compound fracture; or

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

15 ~~(s)~~ "Sign" means any symbol or language reasonably calculated to
16 communicate information to patrons or their parents or guardians,
17 including placards, prerecorded messages, live public address, stickers,
18 pictures, pictograms, guide books, brochures, videos, verbal information
19 and visual signals.

20 ~~(t)~~ "Water slide" means a slide that is at least 35 feet in height and
21 that uses water to propel the patron through the ride.

22 Sec. 2. K.S.A. 44-1601 is hereby repealed.

23 Sec. 3. This act shall take effect and be in force from and after its
24 publication in the statute book.