

House Substitute for SENATE BILL No. 307

By Committee on Federal and State Affairs

3-20

1 AN ACT concerning amusement rides; relating to the Kansas amusement
2 ride act; relating to **{antique amusement ride,}** limited-use amusement
3 rides and registered agritourism activities; amending K.S.A. 2017
4 Supp. 40-4801, 40-4802, 44-1601, 44-1602, 44-1603, 44-1605, 44-
5 1606, 44-1607, 44-1608, 44-1609, 44-1610, 44-1611, 44-1612, 44-
6 1613, 44-1614, 44-1616, 44-1617, 44-1618 and 44-1619 and repealing
7 the existing sections.

8
9 *Be it enacted by the Legislature of the State of Kansas:*

10 New Section 1. (a) No **{antique amusement ride,}** limited-use
11 amusement ride or registered agritourism activity shall be operated in this
12 state unless a valid permit for such ride has been issued by the department.
13 The owner of any such ride shall make application for a permit for such
14 ride to the secretary on such form and in such manner as prescribed by the
15 secretary. The application for a permit shall include, but is not limited to,
16 the following:

17 (1) The name of the owner and operator of the **{antique amusement**
18 **ride,}** limited-use amusement ride or registered agritourism activity;

19 (2) the location of the ride, or the location where such ride is stored
20 when not in use;

21 (3) valid certificate of inspection; and

22 (4) proof of insurance.

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

25 (1) For **{antique amusement ride,}** limited-use amusement rides and
26 registered agritourism activities erected at a permanent location, \$75 for a
27 ride designed for patrons who are not more than 42 inches in height, and
28 \$100 for a ride designed for patrons who are more than 42 inches in
29 height;

30 (2) for **{antique amusement ride,}** limited-use amusement rides and
31 registered agritourism activities erected at a temporary location, \$30; and

32 (3) for **{antique amusement ride,}** limited-use amusement rides and
33 registered agritourism activities owned or operated by a municipality or a
34 nonprofit entity, whether erected at a permanent or temporary location,
35 \$10.

36 (c) Upon approval of an application and receipt of the required fee,

1 the secretary shall issue a permit for the **{antique amusement ride,}**
2 limited-use amusement ride or registered agritourism activity. Such permit
3 shall be valid for one year from the date of issuance. Any permit fee paid
4 by an applicant shall be returned to the applicant if the application is
5 denied.

6 (d) In addition to the permit fees required under subsection (b), no
7 **{antique amusement ride,}** limited-use amusement ride or registered
8 agritourism activity shall be operated in this state unless the owner of such
9 ride has registered as ~~a~~ **{an antique amusement ride,}** limited-use
10 amusement ride or registered agritourism activity owner with the
11 department. Registration shall be valid for a period of one year. The owner
12 of ~~a~~ **{an antique amusement ride,}** limited-use amusement ride or
13 registered agritourism activity shall register with the department in such
14 form and in such manner as prescribed by the secretary and by paying a
15 registration fee of \$50. The fee required under this subsection shall be an
16 annual fee paid by the owner, regardless of the number of rides owned by
17 such owner.

18 (e) All fees received by the secretary pursuant to this section shall be
19 remitted by the secretary to the state treasurer in accordance with the
20 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
21 each such remittance, the state treasurer shall deposit the entire amount in
22 the state treasury to the credit of the amusement ride safety fund.

23 Sec. 2. K.S.A. 2017 Supp. 40-4801 is hereby amended to read as
24 follows: 40-4801. As used in K.S.A. 40-4802 and 40-4803, and
25 amendments thereto, the terms "amusement ride," **"{antique amusement**
26 **ride,}"** "limited-use amusement ride," "operator," ~~and~~ "owner" and
27 "registered agritourism activity" shall have the same meanings as those
28 terms are defined in K.S.A. 2017 Supp. 44-1601, and amendments thereto.

29 Sec. 3. K.S.A. 2017 Supp. 40-4802 is hereby amended to read as
30 follows: 40-4802. No amusement ride, **{antique amusement ride,}**
31 *limited-use amusement ride or registered agritourism activity* shall be
32 operated in this state unless at the time of operation the owner has in effect
33 an insurance policy insuring the owner and operator against liability for
34 bodily injury to persons arising out of the operation of the amusement
35 ride, **{antique amusement ride,}** *limited-use amusement ride or*
36 *registered agritourism activity*. The insurance policy shall be written by an
37 insurance company doing business in Kansas, or by a surplus lines insurer.
38 Such insurance policy shall:

39 (a) (1) *For an owner or operator of an amusement ride*, provide for
40 coverage in an amount not less than \$1,000,000 per occurrence with a
41 \$2,000,000 annual aggregate, except that this requirement shall be
42 satisfied if the owner of such amusement ride is the state or any
43 subdivision of the state and such owner self-insures, or participates in a

1 public entity self-insurance pool in accordance with K.S.A. 75-6111, and
 2 amendments thereto; ~~and or~~

3 (2) ~~for an owner or operator of~~ **{an antique amusement ride,}**
 4 *limited-use amusement ride or registered agritourism activity, provide for*
 5 *coverage in an amount not less than \$750,000 per occurrence with a*
 6 *\$1,000,000 annual aggregate; and*

7 (b) name as an additional insured any person contracting with the
 8 owner for the ~~amusement ride's~~ *operation of the amusement ride, {antique*
 9 **amusement ride,}** *limited-use amusement ride or registered agritourism*
 10 *activity.*

11 Sec. 4. K.S.A. 2017 Supp. 44-1601 is hereby amended to read as
 12 follows: 44-1601. As used in this act:

13 (a) (1) "Amusement ride" means any mechanical or electrical device
 14 that carries or conveys passengers along, around or over a fixed or
 15 restricted route or course or within a defined area for the purpose of giving
 16 its passengers amusement, pleasure, thrills or excitement ~~and shall include~~
 17 ~~all rides and devices included under ASTM international F24 committee~~
 18 ~~standards, including, but not be limited to:~~

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

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

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

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

29 (A) Games, concessions and associated structures;

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

34 (C) nonmechanized playground equipment, including, but not limited to,
 35 swings, seesaws, stationary spring-mounted animal features, rider-
 36 propelled merry-go-rounds, climbers, slides and physical fitness devices;
 37 ~~or~~

38 (D) ~~home-owned~~ **{antique amusement rides;**

39 **(E)}** *limited-use amusement rides;*

40 ~~(F)}~~ **(F)}** *registered agritourism activities;*

41 ~~(G)}~~ **(G)}** *any ride commonly known as a hayrack ride in which*
 42 *patrons sit in a wagon or cart that is then pulled by horses or a tractor or*
 43 *other motor vehicle;*

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

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

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

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

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

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

15 ~~(e)~~**(f)** "Department" means the department of labor.

16 ~~(f)~~**(g)** ~~"Home-owned Limited-use amusement ride" means an
17 amusement ride, as defined in subsection (a)(1), owned by an individual
18 and operate solely within a single county for strictly private use and
19 operated by a nonprofit, community-based organization that is operated
20 for less than 20 days in a year and is operated at only one location each
21 year.~~

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

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

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

31 (3) measure geometrical characters.

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

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

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

42 ~~(k)~~**(l)** (1) "Patron" means any individual who is:

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

1 the ride;

2 (B) getting on an amusement ride;

3 (C) using an amusement ride;

4 (D) getting off an amusement ride; or

5 (E) leaving an amusement ride and still in the immediate vicinity of
6 the ride.

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

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

11 ~~(n)~~{(n)} "Qualified inspector" means a person who:

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

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

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

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

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

1 *defined in K.S.A. 2017 Supp. 32-1432, and amendments thereto.*

2 ~~(n)(o)~~{(p)} "Secretary" means the secretary of labor.

3 ~~(o)(p)~~{(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 ~~medical treatment~~
8 *admission and overnight hospitalization, and observation by a licensed*
9 *physician.*

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

15 ~~(q)(s)~~ "Water slide" means a slide that is at least ~~15~~ 30 feet in height
16 and that uses water to propel the patron through the ride.

17 Sec. 5. K.S.A. 2017 Supp. 44-1602 is hereby amended to read as
18 follows: 44-1602. (a) No amusement ride shall be operated in this state
19 unless such ride has a valid certificate of inspection. An amusement ride
20 erected in this state shall be inspected by a qualified inspector at least
21 every 12 months.

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

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

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

42 (d) The secretary shall conduct random compliance audits of
43 amusement rides erected both at permanent locations and at temporary

1 locations. A warning citation for violation of this act shall be issued against
2 any owner or operator for a first violation.

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

5 Sec. 6. K.S.A. 2017 Supp. 44-1603 is hereby amended to read as
6 follows: 44-1603. The owner of an amusement ride, **{antique amusement**
7 **ride,}** *limited-use amusement ride or registered agritourism activity* shall
8 retain at all times current records relating to the construction, repair and
9 maintenance of its operation, including safety, inspection, maintenance
10 records and ride operator training activities for such ride. Such records
11 shall be available to any person contracting with the owner for the
12 amusement ride's operation of *such ride*, and shall be made available to the
13 department at reasonable times, including during an inspection upon the
14 department's request. Records of daily inspections must be available for
15 inspection at the location where the ride or device is operated. All records
16 must be maintained for a period of three years.

17 Sec. 7. K.S.A. 2017 Supp. 44-1605 is hereby amended to read as
18 follows: 44-1605. (a) No amusement ride shall be operated in this state
19 unless the operator has satisfactorily completed training that includes, at a
20 minimum:

21 (1) Instruction on operating procedures for the ride, the specific
22 duties of the operator, general safety procedures and emergency
23 procedures;

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

25 (3) supervised observation of the operator's physical operation of the
26 ride.

27 (b) No amusement ride shall be operated in this state unless the name
28 of each operator trained to operate the ride and the certificate of each such
29 operator's satisfactory completion of such training, signed and dated by the
30 trainer, is available to any person contracting with the owner for the
31 amusement ride's operation on the premises where the amusement ride is
32 operated, during the hours of operation of the ride.

33 (c) *No inflatable device that is rented on a regular basis and erected*
34 *at a temporary location shall be operated in this state unless the operator*
35 *has been trained by a person who has attained a basic inflatable safety*
36 *operations certification from the safe inflatable operators training*
37 *organization.*

38 (d) *No water slide that is at least 15 feet in height shall be operated*
39 *in this state unless there is ~~a lifeguard~~ {an attendant} stationed at the*
40 *water slide to ensure patrons are properly adhering to the safety standards*
41 *in place.*

42 Sec. 8. K.S.A. 2017 Supp. 44-1606 is hereby amended to read as
43 follows: 44-1606. No amusement ride, *limited-use amusement ride and*

1 *registered agritourism activity* shall be operated in this state unless there is
2 posted in plain view on or near the ride, in a location where they can be
3 easily read, all safety instructions for the ride.

4 Sec. 9. K.S.A. 2017 Supp. 44-1607 is hereby amended to read as
5 follows: 44-1607. (a) Each patron of an amusement ride, **{antique
6 amusement ride,}** *limited-use amusement ride or registered agritourism
7 activity*, by participation, accepts the risks inherent in such participation of
8 which an ordinary prudent person is or should be aware.

9 (b) Each patron of ~~an amusement~~ a ride has a duty to:

10 (1) Exercise the judgment and act in the manner of an ordinary
11 prudent person while participating in ~~an amusement~~ a ride;

12 (2) obey all instructions and warnings, written or oral, prior to and
13 during participation in ~~an amusement~~ a ride;

14 (3) refrain from participation in ~~an amusement~~ a ride while under the
15 influence of alcohol or drugs;

16 (4) engage all safety devices that are provided;

17 (5) refrain from disconnecting or disabling any safety device except
18 at the express direction of the owner's agent or employee; and

19 (6) refrain from extending arms and legs beyond the carrier or seating
20 area except at the express direction of the owner's agent or employee.

21 (c) Any parent or guardian of a patron shall have a duty to reasonably
22 ensure that the patron complies with all provisions of this act.

23 Sec. 10. K.S.A. 2017 Supp. 44-1608 is hereby amended to read as
24 follows: 44-1608. Any person contracting with an owner for the
25 ~~amusement ride's~~ operation of an amusement ride, **{antique amusement
26 ride,}** *limited-use amusement ride or registered agritourism activity* shall
27 ensure that:

28 (a) Inspection certificates required by K.S.A. 2017 Supp. 44-1602,
29 and amendments thereto, are available;

30 (b) maintenance and inspection records required by K.S.A. 2017
31 Supp. 44-1603, and amendments thereto, are available; and

32 (c) safety instructions for the ride are posted as required by K.S.A.
33 2017 Supp. 44-1606, and amendments thereto.

34 Sec. 11. K.S.A. 2017 Supp. 44-1609 is hereby amended to read as
35 follows: 44-1609. Whenever a serious injury results from the operation of
36 an amusement ride, **{antique amusement ride,}** *limited-use amusement
37 ride or registered agritourism activity*:

38 (a) Operation of the ride shall immediately be discontinued;

39 (b) operation of the ride shall not be resumed until it has been
40 inspected and the qualified inspector has approved resumption of
41 operation; and

42 (c) the owner, within 30 days after the injury, shall notify the
43 manufacturer of the ride, if the manufacturer is known and in existence at

1 the time of the injury.

2 Sec. 12. K.S.A. 2017 Supp. 44-1610 is hereby amended to read as
3 follows: 44-1610. (a) It is a class B misdemeanor for an owner or operator
4 of an amusement ride, **{antique amusement ride,}** *limited-use amusement*
5 *ride or registered agritourism activity* knowingly to operate, or cause or
6 permit to be operated, any amusement ride, **{antique amusement ride,}**
7 *limited-use amusement ride or registered agritourism activity* without a
8 valid permit issued by the secretary.

9 (b) A notice of violation may be issued by the department when an
10 amusement ride, **{antique amusement ride,}** *limited-use amusement ride*
11 *or registered agritourism activity* is found to be out of compliance with
12 the provisions of this act, or any rules or regulations adopted pursuant
13 thereto. The notice of violation may include an order to cease and desist
14 operation of the specific ~~amusement~~—ride until all violations are
15 satisfactorily corrected.

16 (c) Within 10 business days after a notice of violation has been
17 issued, the person issued such notice may file a written request with the
18 department for an informal conference regarding the notice. If the person
19 issued the notice of violation does not request an informal conference
20 within this time frame, all provisions of the notice shall become final. If
21 the notice of violation is not resolved within the prescribed time frame, the
22 department may seek judicial enforcement of the notice of violation, or an
23 enforcement order may be issued.

24 (d) The secretary may impose a fine of not more than \$1,000 for any
25 violation of the provisions of this act, or any rules or regulations adopted
26 pursuant thereto. All fines received by the secretary pursuant to this
27 section shall be remitted by the secretary to the state treasurer in
28 accordance with the provisions of K.S.A. 75-4215, and amendments
29 thereto. Upon receipt of each such remittance, the state treasurer shall
30 deposit the entire amount in the state treasury to the credit of the
31 amusement ride safety fund.

32 (e) Each day a violation continues shall constitute a separate offense.

33 (f) The provisions of this section shall be subject to the Kansas
34 administrative procedure act.

35 ~~(g) No prosecution for an offense described in subsection (a) shall be~~
36 ~~brought prior to January 1, 2018. The provisions of this subsection shall~~
37 ~~expire on June 30, 2018.~~

38 Sec. 13. K.S.A. 2017 Supp. 44-1611 is hereby amended to read as
39 follows: 44-1611. The attorney general, or the county or district attorney in
40 a county in which an amusement ride, **{antique amusement ride,}**
41 *limited-use amusement ride or registered agritourism activity* is located or
42 operated, may apply to the district court for an order enjoining operation of
43 any amusement ride, **{antique amusement ride,}** *limited-use amusement*

1 *ride or registered agritourism activity* operated in violation of this act.

2 Sec. 14. K.S.A. 2017 Supp. 44-1612 is hereby amended to read as
3 follows: 44-1612. The governing body of any city or county may establish
4 and enforce safety standards for amusement rides, **{antique amusement**
5 **ride,}** *limited-use amusement rides or registered agritourism activities* in
6 addition to, but not in conflict with, the standards established by this act.

7 Sec. 15. K.S.A. 2017 Supp. 44-1613 is hereby amended to read as
8 follows: 44-1613. The provisions of K.S.A. 2017 Supp. 44-1601 through
9 44-1619, *and section 1*, and amendments thereto, shall be known as the
10 Kansas amusement ride act.

11 Sec. 16. K.S.A. 2017 Supp. 44-1614 is hereby amended to read as
12 follows: 44-1614. (a) The secretary of labor shall adopt rules and
13 regulations necessary to implement provisions of the Kansas amusement
14 ride act, K.S.A. 2017 Supp. 44-1601 et seq., and amendments thereto.

15 (b) (1) On or before January 1, 2018, the secretary shall adopt rules
16 and regulations necessary to implement the amendments made to the
17 Kansas amusement ride act, K.S.A. 2017 Supp. 44-1601 et seq., and
18 amendments thereto, and the amusement ride insurance act, K.S.A. 40-
19 4801 et seq., and amendments thereto, by this act.

20 (2) The secretary shall adopt rules and regulations specifying
21 nationally recognized organizations that issue certifications or other
22 evidence of qualification to inspect amusement rides, and that require
23 education, experience and training at least equivalent to that required for a
24 level-H *I* certification from NAARSO as of July 1, 2017.

25 (3) All references to the American society for testing and materials
26 (ASTM) standards shall be to those standards ~~adopted~~ *developed* by the
27 ASTM international F24 committee, as published in ASTM international
28 standards volume 15.07, or any later version adopted by the secretary in
29 rules and regulations.

30 Sec. 17. K.S.A. 2017 Supp. 44-1616 is hereby amended to read as
31 follows: 44-1616. (a) No amusement ride shall be operated in this state
32 unless a valid permit for such ride has been issued by the department. The
33 owner of an amusement ride shall make application for a permit for such
34 amusement ride to the secretary on such form and in such manner as
35 prescribed by the secretary. The application for a permit shall include, but
36 is not limited to, the following:

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

38 (2) the location of the amusement ride, or the location where such
39 ride is stored when not in use;

40 (3) valid certificate of inspection;

41 (4) proof of insurance; and

42 (5) *(A) for amusement rides manufactured prior to July 1, 2018,*
43 *certification that such ride qualifies as service proven, as that term is used*

1 *in the applicable ASTM international F24 committee standards; and*

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

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

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

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

10 (3) for amusement rides owned or operated by a municipality or a
11 nonprofit entity, whether erected at a permanent or temporary location,
12 \$10.

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

17 (d) In addition to the permit fees required under subsection ~~(a)~~ (b), no
18 amusement ride shall be operated in this state unless the owner of such
19 ride has registered as an amusement ride owner with the department.
20 Registration shall be valid for a period of one year. The owner of an
21 amusement ride shall register with the department in such form and in
22 such manner as prescribed by the secretary, and by paying a registration
23 fee as follows:

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

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

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

28 The fee required under this subsection shall be an annual fee paid by
29 the owner, regardless of the number of amusement rides owned by such
30 owner.

31 (e) All fees received by the secretary pursuant to this section shall be
32 remitted by the secretary to the state treasurer in accordance with the
33 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
34 each such remittance, the state treasurer shall deposit the entire amount in
35 the state treasury to the credit of the amusement ride safety fund.

36 Sec. 18. K.S.A. 2017 Supp. 44-1617 is hereby amended to read as
37 follows: 44-1617. There is hereby established in the state treasury the
38 amusement ride safety fund, which shall be administered by the
39 department of labor. The amusement ride safety fund shall consist of those
40 moneys credited to the amusement ride safety fund pursuant to K.S.A. 44-
41 1610, *and amendments thereto*, and K.S.A. 2017 Supp. 44-1616, *and*
42 *section 1*, and amendments thereto. All expenditures from the amusement
43 ride safety fund shall be for the administration and enforcement of the

1 Kansas amusement ride act, and shall be made in accordance with
2 appropriation acts upon warrants of the director of accounts and reports
3 issued pursuant to vouchers approved by the secretary, or the secretary's
4 designee.

5 Sec. 19. K.S.A. 2017 Supp. 44-1618 is hereby amended to read as
6 follows: 44-1618. (a) (1) A patron, or a patron's parent or guardian on a
7 patron's behalf, shall report in writing to the owner any injury sustained on
8 an amusement ride, **{antique amusement ride,}** *limited-use amusement*
9 *ride or registered agritourism activity* before leaving the premises. Such
10 report shall include:

11 (A) The name, address and phone number of the injured person;

12 (B) a full description of the incident, the injuries claimed, any
13 treatment received and the location, date and time of the injury;

14 (C) the cause of the injury, if known; and

15 (D) the names, addresses and phone numbers of any witnesses to the
16 incident.

17 (2) If a patron, or a patron's parent or guardian, is unable to file a
18 report because of the severity of the patron's injuries, the patron or the
19 patron's parent or guardian shall file the report as soon as reasonably
20 possible.

21 (3) The owner shall prominently display signage at the point of
22 admission or ticket sale and at least two other locations in close proximity
23 to the amusement ride, **{antique amusement ride,}** *limited-use*
24 *amusement ride or registered agritourism activity* explaining a patron's
25 duty to report injuries sustained on such ~~amusement~~ ride. Such signage
26 shall include instructions on how to contact the owner's representatives if
27 immediate assistance is needed and how to make an injury report.

28 (4) The failure of a patron, or the patron's parent or guardian, to
29 report an injury under this subsection shall have no effect on the patron's
30 right to commence a civil action.

31 (b) The owner of an amusement ride, **{antique amusement ride,}**
32 *limited-use amusement ride or registered agritourism activity* shall notify
33 the department of any serious injury reported by a patron, or any injury
34 caused by a malfunction or failure of ~~an amusement~~ a ride or caused by an
35 operator or patron error. Such notification shall be submitted to the
36 department within 72 hours of the time that the operator becomes aware of
37 the injury.

38 (c) If a serious injury occurs, the equipment or conditions that caused
39 the injury shall be preserved for the purpose of an investigation by the
40 department and such ~~amusement~~ ride shall be immediately removed from
41 service ~~until an investigation is completed or deemed unnecessary by the~~
42 ~~secretary~~. Except as provided in subsection (d), ~~if upon notification, the~~
43 *department shall acknowledge receipt of such notice and determine if an*

1 investigation of a serious injury *is necessary*. *If an investigation* is not
2 commenced within 24 hours after the department receives notification of
3 such injury, then an investigation shall be deemed unnecessary.

4 (d) If the serious injury results in the death of a patron, the owner
5 shall notify the department of the injury as soon as possible. Such
6 notification shall be by telephone initially with a written notification sent
7 within 24 hours after the initial notice. If the patron's death is related to a
8 major malfunction of the ~~amusement~~ ride, an investigation shall be
9 required and the department shall commence such investigation within 24
10 hours after receiving initial notice of the injury. No part of the ~~amusement~~
11 ride or the ride itself, shall be moved or repaired without the written
12 approval of the secretary, or the secretary's designee, except that nothing in
13 this subsection shall be construed so as to hinder emergency response
14 personnel from performing their duties, or to prevent the elimination of an
15 obvious safety hazard. The owner shall provide the department with
16 complete access to the ~~amusement~~ ride and all related premises for the
17 purposes of the investigation and shall provide all information related to
18 the cause of the injury to the department.

19 Sec. 20. K.S.A. 2017 Supp. 44-1619 is hereby amended to read as
20 follows: 44-1619. The provisions of this act shall not be enforced by the
21 secretary prior to the date of publication of the rules and regulations
22 adopted by the secretary pursuant to K.S.A. 2017 Supp. 44-1614(b), and
23 amendments thereto. Prior to taking any action pursuant to K.S.A. 2017
24 Supp. 44-1610, and amendments thereto, the secretary shall provide the
25 owner or operator of an amusement ride, **{antique amusement ride,}**
26 *limited-use amusement ride or registered agritourism activity* a reasonable
27 period of time to comply with the provisions of K.S.A. 2017 Supp. 44-
28 1601 et seq., and amendments thereto, and K.S.A. 40-4801 et seq., and
29 amendments thereto.

30 Sec. 21. K.S.A. 2017 Supp. 40-4801, 40-4802, 44-1601, 44-1602, 44-
31 1603, 44-1605, 44-1606, 44-1607, 44-1608, 44-1609, 44-1610, 44-1611,
32 44-1612, 44-1613, 44-1614, 44-1616, 44-1617, 44-1618 and 44-1619 are
33 hereby repealed.

34 Sec. 22. This act shall take effect and be in force from and after its
35 publication in the statute book.