

SENATE BILL No. 356

By Committee on Commerce

1-30

1 AN ACT concerning amusement rides; relating to regulation of home-
2 owned amusement rides; amending K.S.A. 2011 Supp. 44-1601 and,
3 44-1613 and 44-1614 and repealing the existing sections.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 ***New Section 1. The owner of a home-owned amusement ride shall***
7 ***acquire and maintain a general liability insurance policy, and shall***
8 ***annually submit proof of such insurance to the secretary in such form***
9 ***and manner as prescribed by the secretary. The owner of the home-***
10 ***owned amusement ride shall make such proof of insurance available for***
11 ***inspection upon request.***

12 ~~Section 1.~~ ***Sec. 2.*** K.S.A. 2011 Supp. 44-1601 is hereby amended to
13 read as follows: 44-1601. As used in this act:

14 (a) (1) "Amusement ride" means any mechanical or electrical device
15 that carries or conveys passengers along, around or over a fixed or
16 restricted route or course or within a defined area for the purpose of giving
17 its passengers amusement, pleasure, thrills or excitement and shall include,
18 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 and
21 roller coasters;

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

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

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

28 (A) Games, concessions and associated structures;

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

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

1 **(D) home-owned amusement rides.**

2 (b) "Certificate of inspection" means a certificate, signed and dated
3 by a qualified inspector, showing that an amusement ride has satisfactorily
4 passed inspection by such inspector.

5 (c) "Department" means the department of labor.

6 ~~(d) "Home-owned amusement ride" means an amusement ride owned
7 by a not-for-profit entity and operated:~~

8 ~~(1) Solely within a single county;~~

9 ~~(2) by individuals on a volunteer basis; and~~

10 ~~(3) for a period not to exceed 12 days within one calendar year.~~

11 ~~(e) (d) "Home-owned amusement ride" means an amusement
12 ride owned by a not-for-profit entity and operated:~~

13 ~~(1) Solely within a single county;~~

14 ~~(2) by individual on a volunteer basis; and~~

15 ~~(3) for a period not to exceed 12 days within one calendar year.~~

16 (e) "Nondestructive testing" means the development and application
17 of technical methods such as radiographic, magnetic particle, ultrasonic,
18 liquid penetrant, electromagnetic, neutron radiographic, acoustic emission,
19 visual and leak testing to:

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

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

24 (3) measure geometrical characters.

25 ~~(f) (f) "Operator" means a person actually engaged in or directly
26 controlling the operations of an amusement ride.~~

27 ~~(g) (g) "Owner" means a person who owns, leases, controls or
28 manages the operations of an amusement ride and may include the state or
29 any political subdivision of the state.~~

30 ~~(h) (h) "Parent or guardian" means any parent, guardian or
31 custodian responsible for the control, safety, training or education of a
32 minor or an adult or minor with an impairment in need of a guardian or a
33 conservator, or both, as those terms are defined by K.S.A. 59-3051, and
34 amendments thereto.~~

35 ~~(i) (i) (1) "Patron" means any individual who is:~~

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

38 (B) getting on an amusement ride;

39 (C) using an amusement ride;

40 (D) getting off an amusement ride; or

41 (E) leaving an amusement ride and still in the immediate vicinity of
42 the ride.

43 (2) "Patron" does not include employees, agents or servants of the

1 owner while engaged in the duties of their employment.

2 ~~(j)~~ ~~(i)~~ **(j)** "Person" means any individual, association, partnership,
3 corporation, limited liability company, government or other entity.

4 ~~(k)~~ ~~(j)~~ **(k)** "Qualified inspector" means a person who holds a current
5 certification or other evidence of qualification to inspect amusement rides,
6 issued by a program specified by rules and regulations adopted under
7 K.S.A. 2011 Supp. 44-1603, and amendments thereto.

8 ~~(l)~~ ~~(k)~~ **(l)** "Secretary" means the secretary of labor.

9 ~~(m)~~ ~~(l)~~ **(m)** "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 significant injury or illness that requires immediate
14 admission and overnight hospitalization and observation by a licensed
15 physician.

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

21 ~~Sec.-2: 3.~~ K.S.A. 2011 Supp. 44-1613 is hereby amended to read as
22 follows: ~~(a) The provisions of K.S.A. 2011 Supp. 44-1601 through 44-~~
23 ~~1612, and amendments thereto, shall not apply to home-owned amusement~~
24 ~~rides, as defined in K.S.A. 2011 Supp. 44-1601, and amendments thereto.~~

25 ~~(b) The provisions of K.S.A. 2011 Supp. 44-1601 through 44-1612,~~
26 ~~**and section 1**, and amendments thereto, and this section, and amendments~~
27 ~~thereto, shall be known as the Kansas amusement ride act.~~

28 ~~**Sec. 4. K.S.A. 2011 Supp. 44-1614 is hereby amended to read as**~~
29 ~~**follows: 44-1614. The secretary of labor shall adopt rules and regulations**~~
30 ~~**necessary to implement provisions of the Kansas amusement ride act,**~~
31 ~~**K.S.A. 2011 Supp. 44-1601 through 44-1612 44-1613 and section 1, and**~~
32 ~~**amendments thereto,**~~ and K.S.A. 2011 Supp. 44-1613, and amendments
33 thereto. Nothing herein shall be construed to authorize the secretary of
34 labor to adopt rules and regulations regulating amusement rides exempted
35 from the Kansas amusement ride act. Such rules and regulations shall be
36 adopted on or before July 1, 2010.

37 ~~Sec.-3: 5.~~ K.S.A. 2011 Supp. 44-1601 ~~and, 44-1613~~ ~~**and 44-1614**~~ are
38 hereby repealed.

39 ~~Sec.-4: 6.~~ This act shall take effect and be in force from and after its
40 publication in the statute book.