

SENATE BILL No. 356

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

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

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

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

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

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

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

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

(2) "Amusement ride" does not include:

(A) Games, concessions and associated structures;

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

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

(D) *home-owned amusement rides.*

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

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

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

(1) Solely within a single county;

(2) by individuals on a volunteer basis; and

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

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

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

(2) assess integrity, properties and composition; and

(3) measure geometrical characters.

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

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

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

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

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

(B) getting on an amusement ride;

- (C) using an amusement ride;
 - (D) getting off an amusement ride; or
 - (E) leaving an amusement ride and still in the immediate vicinity of the ride.
- (2) “Patron” does not include employees, agents or servants of the owner while engaged in the duties of their employment.
- (j) “Person” means any individual, association, partnership, corporation, limited liability company, government or other entity.
- (k) “Qualified inspector” means a person who holds a current certification or other evidence of qualification to inspect amusement rides, issued by a program specified by rules and regulations adopted under K.S.A. 2011 Supp. 44-1603, and amendments thereto.
- (l) “Secretary” means the secretary of labor.
- (m) “Serious injury” means an injury that results in:
- (1) Death, dismemberment, significant disfigurement or permanent loss of the use of a body organ, member, function or system;
 - (2) a compound fracture; or
 - (3) other significant injury or illness that requires immediate admission and overnight hospitalization and observation by a licensed physician.
- (n) “Sign” means any symbol or language reasonably calculated to communicate information to patrons or their parents or guardians, including placards, prerecorded messages, live public address, stickers, pictures, pictograms, guide books, brochures, videos, verbal information and visual signals.

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

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

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

Sec. 5. K.S.A. 2011 Supp. 44-1601, 44-1613 and 44-1614 are hereby repealed.

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

I hereby certify that the above BILL originated in the SENATE, and passed that body

President of the Senate.

Secretary of the Senate.

Passed the HOUSE _____

Speaker of the House.

Chief Clerk of the House.

APPROVED _____

Governor.