

Amusement Rides; SB 310

SB 310 makes amendments to the Kansas Amusement Ride Act (Act).

[*Note:* Language identical to the provisions of SB 310, except for the effective date and a reference to antique amusement rides added for consistency, was passed by both chambers in House Sub. for SB 307. Both SB 310 and House Sub. for SB 307 were approved by the Governor on May 8, 2018. Provisions of SB 310 became effective on May 17, 2018 (*Kansas Register* publication), and provisions of SB 307 became effective July 1, 2018.]

Definitions

“Limited-use amusement ride” means an amusement ride that is owned and operated by a nonprofit, community-based organization, is operated for less than either 20 days or 160 hours per year, and is operated at only one location each year.

“Registered agritourism activity” has the same meaning as it does in the Agritourism Promotion Act (KSA 2017 Supp. 32-1430 *et seq.*).

“Amusement ride” specifically excludes:

- Antique amusement rides;
- Limited-use amusement rides;
- Registered agritourism activities;
- Any ride commonly known as a hayrack ride, in which patrons sit in a wagon or cart that is then pulled by horses or a tractor or other motor vehicle;
- Any ride commonly known as a barrel train, which has a series of handmade cars fashioned from barrels that are connected and pulled by a tractor or other motor vehicle; and
- Amusement rides owned by an individual and operated solely within a single county for strictly private use.

The definition of “amusement ride” is amended to remove language including all rides and devices in American Society for Testing and Materials (ASTM) International F24 Committee Standards.

“Antique amusement ride” means an amusement ride manufactured prior to January 1, 1930.

“Water slide” means a slide that is at least 35 feet in height and uses water to propel the patron through the ride.

The definition of “qualified inspector,” as it relates to acceptable training requirements, is changed from Level II National Association of Amusement Ride Safety Officials (NAARSO) certification to Level I NAARSO certification. References to the Pennsylvania Department of Agriculture general qualified inspector status is also removed from the definition. The definition specifies that any inspector of inflatable devices that are rented on a regular basis and erected at temporary locations shall be required to provide evidence of:

- Five years of experience working with inflatable devices; and
- Qualified training from a third party, such as advanced inflatable safety operations certification from the Safe Inflatable Operators Training Organization, or other similar qualification from another nationally recognized institution.

Finally, “serious injury” includes injury or illness that requires immediate admission and overnight hospitalization and observation by a licensed physician.

Antique Amusement Rides, Limited-use Amusement Rides, Registered Agritourism Activities

Permits

The bill provides that an antique amusement ride, limited-use amusement ride, or registered agritourism activity shall not be operated in Kansas without a valid permit issued by the Department of Labor (Department). The owner of such a ride shall apply to the Department for a permit in such form and manner as prescribed by the Secretary of Labor (Secretary). The application shall include:

- The name of the owner and operator of the ride;
- The location of the ride or the location where the ride is stored when not in use;
- A valid certificate of inspection; and
- Proof of insurance.

Once an application is approved, the permit fee is received, and a permit is issued for the antique amusement ride, limited-use amusement ride, or registered agritourism activity, the permit shall be valid for one year from the date of issuance.

Permit Fees

Applicants for operating permits for antique amusement rides, limited-use amusement rides, and registered agritourism activities shall pay a permit fee of \$50.

Permit fees shall be returned to applicants if their applications are denied by the Department. Permit fees collected by the Secretary will be credited to the Amusement Ride Safety Fund.

Registration

The bill requires each antique amusement ride, limited-use amusement ride, or registered agritourism activity to be registered with the Department prior to operation. Registration shall be in such form and manner as prescribed by the Secretary and requires payment of a registration fee of \$50.

The registration fee shall be an annual fee paid by the owner, regardless of the number of rides owned by such owner. Registration fees collected by the Secretary will be credited to the Amusement Ride Safety Fund.

Insurance Requirements

The owner or operator of any antique amusement ride, limited-use amusement ride, or registered agritourism activity shall be required to provide for coverage of at least \$750,000 per occurrence with a \$1,000,000 annual aggregate. Continuing law states owners and operators of amusement rides are required to provide for coverage of at least \$1,000,000 per occurrence with a \$2,000,000 annual aggregate, or self-insure or participate in a public entity self-insurance pool, if the owner is the State or any subdivision of the State.

General Provisions

Inflatables

The bill states no inflatable device rented on a regular basis and erected at a temporary location can be operated in the state unless the operator has been trained by a person who has attained a basic inflatable safety operations certification from the Safe Inflatable Operators Training Organization or other similar qualification from another nationally recognized institution.

Slide Attendants

The bill requires an attendant to be stationed at each slide that uses water to propel the patron through the ride and that is 15 feet or more in height.

Permit Applications, Amusement Rides

The bill specifies that permit applications for amusement rides manufactured before July 1, 2018, must include certification that the ride qualifies as service proven, as that term is used in applicable ASTM International F24 Committee Standards.

For rides manufactured on and after July 1, 2018, permit applications must include certification that the ride meets applicable ASTM International F24 Committee Standards pertaining to ride maintenance and operation.

The bill includes antique amusement rides, limited-use amusement rides, and registered agritourism activities in provisions of the Act not otherwise modified by the bill.

Serious Injury

The bill specifies, upon notification of serious injury, the Department must acknowledge receipt of the notice and determine whether an investigation is necessary.