

House Substitute for SENATE BILL No. 307

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

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

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

- (1) The name of the owner and operator of the antique amusement ride, limited-use amusement ride or registered agritourism activity;
  - (2) the location of the ride, or the location where such ride is stored when not in use;
  - (3) valid certificate of inspection; and
  - (4) proof of insurance.
- (b) Each applicant shall submit a permit fee of \$50 along with the application.

(c) Upon approval of an application and receipt of the required fee, the secretary shall issue a permit for the antique amusement ride, limited-use amusement ride or registered agritourism activity. Such permit shall be valid for one year from the date of issuance. Any permit fee paid by an applicant shall be returned to the applicant if the application is denied.

(d) In addition to the permit fee required under subsection (b), no antique amusement ride, limited-use amusement ride or registered agritourism activity shall be operated in this state unless the owner of such ride has registered as an antique amusement ride, limited-use amusement ride or registered agritourism activity owner with the department. Registration shall be valid for a period of one year. The owner of an antique amusement ride, limited-use amusement ride or registered agritourism activity shall register with the department in such form and in such manner as prescribed by the secretary and by paying a registration fee of \$50. The fee required under this subsection shall be an annual fee paid by the owner, regardless of the number of rides owned by such owner.

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

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

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

(a) (1) *For an owner or operator of an amusement ride*, provide for coverage in an amount not less than \$1,000,000 per occurrence with a \$2,000,000 annual aggregate, except that this requirement shall be satisfied if the owner of such amusement ride is the state or any subdivision of the state and such owner self-insures, or participates in a public entity self-insurance pool in accordance with K.S.A. 75-6111, and amendments thereto; ~~and~~ or

(2) *for an owner or operator of an antique amusement ride, limited-use amusement ride or registered agritourism activity*, provide for cov-

erage in an amount not less than \$750,000 per occurrence with a \$1,000,000 annual aggregate; and

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

Sec. 4. K.S.A. 2017 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 all rides and devices included under ASTM international F24 committee standards~~, including, but not be limited to:

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

(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;

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

~~(D) home-owned antique amusement rides;~~

(E) limited-use amusement rides;

(F) registered agritourism activities;

(G) 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;

(H) 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; or

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

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

(c) "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.

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

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

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

~~(g)~~ "Home-owned Limited-use amusement ride" means an amusement ride, as defined in subsection (a)(1), owned by an individual and operate solely within a single county for strictly private use and operated by a nonprofit, community-based organization that is operated for less than 20 days, or 160 hours, in a year and is operated at only one location each year.

~~(h)~~ "Nondestructive testing" means the development and application of technical methods in accordance with ASTM F747 standards 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.

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

~~(i)~~(j) “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.

~~(j)~~(k) “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.

~~(k)~~(l) (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.

~~(l)~~(m) “Person” means any individual, association, partnership, corporation, limited liability company, government or other entity.

~~(m)~~(n) “Qualified inspector” means a person who:

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

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

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

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

(o) “Registered agritourism activity” means an amusement ride, as defined in subsection (a)(1), that is a registered agritourism activity, as defined in K.S.A. 2017 Supp. 32-1432, and amendments thereto.

~~(n)~~(p) “Secretary” means the secretary of labor.

~~(o)~~(q) “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 injury or illness that requires immediate ~~medical treatment~~

*admission and overnight hospitalization, and observation by a licensed physician.*

(p)(r) “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.

(q)(s) “Water slide” means a slide that is at least ~~15~~ 35 feet in height and that uses water to propel the patron through the ride.

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

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

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

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

(d) The secretary shall conduct random compliance audits of amusement rides erected both at permanent locations and at temporary locations. A warning citation for violation of this act shall be issued against any owner or operator for a first violation.

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

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

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

- (1) Instruction on operating procedures for the ride, the specific duties of the operator, general safety procedures and emergency procedures;
- (2) demonstration of physical operation of the ride; and
- (3) supervised observation of the operator’s physical operation of the ride.

(b) No amusement ride shall be operated in this state unless the name of each operator trained to operate the ride and the certificate of each such operator’s satisfactory completion of such training, signed and dated by the trainer, is available to any person contracting with the owner for

the amusement ride's operation on the premises where the amusement ride is operated, during the hours of operation of the ride.

(c) *No inflatable device that is rented on a regular basis and erected at a temporary location shall be operated in this 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 nationally recognized organization.*

(d) *No slide that uses water to propel the patron through the ride and that is at least 15 feet in height shall be operated in this state unless there is an attendant stationed at such slide to ensure patrons are properly adhering to the safety standards in place.*

Sec. 8. K.S.A. 2017 Supp. 44-1606 is hereby amended to read as follows: 44-1606. No amusement ride, *limited-use amusement ride and registered agritourism activity* shall be operated in this state unless there is posted in plain view on or near the ride, in a location where they can be easily read, all safety instructions for the ride.

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

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

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

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

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

(4) engage all safety devices that are provided;

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

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

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

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

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

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

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

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

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

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

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

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

(b) A notice of violation may be issued by the department when an amusement ride, *antique amusement ride, limited-use amusement ride or registered agritourism activity* is found to be out of compliance with the

provisions of this act, or any rules or regulations adopted pursuant thereto. The notice of violation may include an order to cease and desist operation of the specific amusement ride until all violations are satisfactorily corrected.

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 17. K.S.A. 2017 Supp. 44-1616 is hereby amended to read as follows: 44-1616. (a) No amusement ride shall be operated in this state unless a valid permit for such ride has been issued by the department. The owner of an amusement ride shall make application for a permit for such amusement ride to the secretary on such form and in such manner

as prescribed by the secretary. The application for a permit shall include, but is not limited to, the following:

- (1) The name of the owner and operator of the amusement ride;
- (2) the location of the amusement ride, or the location where such ride is stored when not in use;
- (3) valid certificate of inspection;
- (4) proof of insurance; and
- (5) (A) *for amusement rides manufactured prior to July 1, 2018, certification that such ride qualifies as service proven, as that term is used in the applicable ASTM international F24 committee standards; and*  
(B) *for amusement rides manufactured on and after July 1, 2018, certification that such ride meets the applicable ASTM international F24 committee standards pertaining to ride maintenance and operation.*

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

- (1) For amusement rides erected at a permanent location, \$75 for a class A amusement ride, and \$100 for a class B amusement ride;
- (2) for amusement rides erected at a temporary location, \$30; and
- (3) for amusement rides owned or operated by a municipality or a nonprofit entity, whether erected at a permanent or temporary location, \$10.

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

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

- (1) For amusement rides erected at a permanent location, \$500;
- (2) for amusement rides erected at a temporary location, \$250; and
- (3) for amusement rides owned by a municipality or nonprofit entity, whether erected at a permanent or temporary location, \$50.

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

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

Sec. 18. K.S.A. 2017 Supp. 44-1617 is hereby amended to read as follows: 44-1617. There is hereby established in the state treasury the amusement ride safety fund, which shall be administered by the department of labor. The amusement ride safety fund shall consist of those moneys credited to the amusement ride safety fund pursuant to K.S.A. 44-1610, *and amendments thereto*, and K.S.A. 2017 Supp. 44-1616 *and section 1*, and amendments thereto. All expenditures from the amusement ride safety fund shall be for the administration and enforcement of the Kansas amusement ride act, and shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary, or the secretary's designee.

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

- (A) The name, address and phone number of the injured person;
- (B) a full description of the incident, the injuries claimed, any treatment received and the location, date and time of the injury;
- (C) the cause of the injury, if known; and

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

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

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

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

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

(c) If a serious injury occurs, the equipment or conditions that caused the injury shall be preserved for the purpose of an investigation by the department and such ~~amusement~~ ride shall be immediately removed from service ~~until an investigation is completed or deemed unnecessary by the secretary~~. Except as provided in subsection (d), *if upon notification, the department shall acknowledge receipt of such notice and determine if an investigation of a serious injury is necessary. If an investigation is not commenced within 24 hours after the department receives notification of such injury, then an investigation shall be deemed unnecessary.*

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

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

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



Sec. 22. 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

\_\_\_\_\_

SENATE adopted  
Conference Committee Report \_\_\_\_\_

\_\_\_\_\_  
*President of the Senate.*

\_\_\_\_\_  
*Secretary of the Senate.*

Passed the HOUSE  
as amended \_\_\_\_\_

HOUSE adopted  
Conference Committee Report \_\_\_\_\_

\_\_\_\_\_  
*Speaker of the House.*

\_\_\_\_\_  
*Chief Clerk of the House.*

APPROVED \_\_\_\_\_

\_\_\_\_\_  
*Governor.*