



Chairman Barker and members of the Committee,

Thank you for the opportunity to provide testimony in support of HB 2528. My name is Derek Franklin and I own and operate The Hardware Store & Rental in Atchison, Kansas. One of the services we offer to customers is the rental of inflatable devices. I would like to share some thoughts concerning the statutes outlined in this bill.

**K.S.A. 44-1601**

(a)(1) Definition of Amusement Ride

Inflatables are currently included in the same "Amusement ride" definition as ferris wheels, carousels, roller coasters, zip lines, etc. They are non-mechanical, non-motion attractions. The only moving part on an inflatable is the blower that keeps it inflated. They should be in their own category and should be defined as such.

2(E) limited-use amusement rides

Inflatables could be listed in this definition.

2(l) (d) Class A amusement ride means for ages 12 or less.

This statute simply invites fraud.

2(l) (g) Limited use amusement ride.

Even though it is defined as non-profit, city and/or church, etc., there is no way to ensure that the inflatables are properly being installed, proper time used, as per the limit and does the organization have proper insurance to cover liability losses. If this a reality, have the organization pay the same fees that profit companies are responsible for. The

for-profit companies have to satisfy the property and causality expenses and their rules and regulations that mirror and are more difficult. If the inflatable rental companies had to provide insurance for the mechanical rides, there wouldn't be any. The premiums would be too high.

#### 2(i)(j) and (n) Operator/Owner/Qualified Inspector

Operator and Owner are usually the same person/company. These rules do not fit to the inflatable rental industry. I would not want the rental company for inflatables to have the same person, untrained and unfamiliar, to inspect motorized amusement rides and have the liability of signing off on the inspection of those. That does not have the best interest of Kansans in mind.

#### 2(n)(4) Inspector Qualifications

This statute proves that the rental inflatable industry can indeed stand as its own category and therefore should.

#### **K.S.A. 44-1605**

##### (3)(c) Training for operators

Rewriting of this to allow temporary operators to be considered trained by the trained rental company by signing the waiver provided by such with a signed copy to be with the inflatable(s) and agreed upon by a trained and certified/safety person of the company. A list of terms and rules that are signed and agreed to before installation or delivery of the inflatable and attached to the rental document.

#### **K.S.A. 44-1616**

##### (B)(3)(c) Permits

In a situation of a non-profit owning an inflatable and operating at their own location, a higher fee should be charged, as to burden that the for-profit companies have to bare. I am only speaking as to inflatables, non-mechanical, devices.

##### (B)(3)(d)(3) Fees

This fee, if needed, should be the only fee that is charged by the state. We are business owners, and are saddled with higher property taxes, higher insurance rates, higher wages, higher labor burdens and more fees. Kansas citizens are not demanding that this be addressed and will be in an uproar if the increased charges and fees for their children's backyard birthday party is going to cost more and the lost revenue in sales tax collected is due from higher rental charges to the customer.

Safety is the number one concern. If there is fraud or unsafe conditions, shame on the company that would allow an that entertainment device to be used in our state. Our job, in the rental inflatable business, is to see that Kansans receive a fun and safe experience at a reasonable rate. I believe that the inflatable business should not be included with the amusement ride business. They are separate services and should be governed as such.

This is a solution in search of a problem. There is no history of problems with inflatable devices or history of casualties related to these inflatable devices.

Thank you for the opportunity to submit testimony. I would be happy to answer any questions at the appropriate time.

Derek Franklin

The Hardware Store and Rental

[www.atchisonhardwarestore.com](http://www.atchisonhardwarestore.com)

