

**HOUSE BILL No. 2528**

By Committee on Federal and State Affairs

1-24

1 AN ACT concerning amusement rides; relating to the Kansas amusement  
2 ride act; definitions; exempting inflatable devices ~~owned or operated by~~  
3 ~~nonprofit organizations~~ from ~~the {certain}~~ requirements of the act;  
4 amending K.S.A. 44-1601 **and 44-1605** and repealing the existing  
5 ~~section sections~~.

6  
7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. K.S.A. 44-1601 is hereby amended to read as follows: 44-  
9 1601. As used in this act:

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

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

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

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

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

25 (A) Games, concessions and associated structures;

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

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

33 (D) antique amusement rides;

34 (E) limited-use amusement rides;

1 (F) registered agritourism activities;

2 (G) ~~any inflatable device that is owned or operated by a nonprofit~~  
3 ~~organization as defined in K.S.A. 44-543, and amendments thereto;~~

4 (H) any ride commonly known as a hayrack ride in which patrons sit  
5 in a wagon or cart that is then pulled by horses or a tractor or other motor  
6 vehicle;

7 ~~(H)(I)~~ any ride commonly known as a barrel train, which has a series  
8 of handmade cars fashioned from barrels that are connected and pulled by  
9 a tractor or other motor vehicle; or

10 ~~(H)(J)~~ any amusement ride owned by an individual and operated  
11 solely within a single county for strictly private use.

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

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

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

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

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

22 (g) *"Inflatable device" means an amusement device that is used to*  
23 *bounce or otherwise play on and that incorporates a structural and*  
24 *mechanical system and employs a high-strength fabric or film that*  
25 *achieves its strength, shape and stability by tensioning from internal air*  
26 *pressure.*

27 (h) "Limited-use amusement ride" means an amusement ride, as  
28 defined in subsection (a)(1), owned and operated by a nonprofit,  
29 community-based organization that is operated for less than 20 days, or  
30 160 hours, in a year and is operated at only one location each year.

31 ~~(h)(i)~~ "Nondestructive testing" means the development and  
32 application of technical methods in accordance with ASTM F747  
33 standards such as radiographic, magnetic particle, ultrasonic, liquid  
34 penetrant, electromagnetic, neutron radiographic, acoustic emission, visual  
35 and leak testing to:

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

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

40 (3) measure geometrical characters.

41 ~~(h)(j)~~ "Operator" means a person actually supervising, or engaged in  
42 or directly controlling the operations of an amusement ride.

43 ~~(h)(k)~~ "Owner" means a person who owns, leases, controls or manages

1 the operations of an amusement ride and may include the state or any  
2 political subdivision of the state.

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

8 ~~(m)~~ (1) "Patron" means any individual who is:

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

11 (B) getting on an amusement ride;

12 (C) using an amusement ride;

13 (D) getting off an amusement ride; or

14 (E) leaving an amusement ride and still in the immediate vicinity of  
15 the ride.

16 (2) "Patron" does not include employees, agents or servants of the  
17 owner while engaged in the duties of their employment.

18 ~~(n)~~ "Person" means any individual, association, partnership,  
19 corporation, limited liability company, government or other entity.

20 ~~(o)~~ "Qualified inspector" means a person who:

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

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

36 (3) has received qualified training from a third party, such as  
37 attainment of level I certification from the national association of  
38 amusement ride safety officials (NAARSO), attainment of level I  
39 certification from the amusement industry manufacturers and suppliers  
40 international (AIMS), attainment of a qualified inspector certification from  
41 the association for challenge course technology (ACCT), when applicable,  
42 or other similar qualification from another nationally recognized  
43 organization; ~~or~~

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

8       ~~(p)~~ (p) "Registered agritourism activity" means an amusement ride, as  
9 defined in subsection (a)(1), that is a registered agritourism activity, as  
10 defined in K.S.A. 32-1432, and amendments thereto.

11       ~~(q)~~ (q) "Secretary" means the secretary of labor.

12       ~~(r)~~ (r) "Serious injury" means an injury that results in:

13       (1) Death, dismemberment, significant disfigurement or permanent  
14 loss of the use of a body organ, member, function or system;

15       (2) a compound fracture; or

16       (3) other injury or illness that requires immediate admission and  
17 overnight hospitalization, and observation by a licensed physician.

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

23       ~~(t)~~ (t) "Water slide" means a slide that is at least 35 feet in height and  
24 that uses water to propel the patron through the ride.

25       **Sec. 2. K.S.A. 44-1605 is hereby amended to read as follows: 44-**  
26 **1605. (a) No amusement ride shall be operated in this state unless the**  
27 **operator has satisfactorily completed training that includes, at a**  
28 **minimum:**

29       **(1) Instruction on operating procedures for the ride, the specific**  
30 **duties of the operator, general safety procedures and emergency**  
31 **procedures;**

32       **(2) demonstration of physical operation of the ride; and**

33       **(3) supervised observation of the operator's physical operation of**  
34 **the ride.**

35       **(b) No amusement ride shall be operated in this state unless the**  
36 **name of each operator trained to operate the ride and the certificate of**  
37 **each such operator's satisfactory completion of such training, signed**  
38 **and dated by the trainer, is available to any person contracting with**  
39 **the owner for the amusement ride's operation on the premises where**  
40 **the amusement ride is operated, during the hours of operation of the**  
41 **ride.**

42       ~~(c) No inflatable device that is rented on a regular basis and erected at~~  
43 ~~a temporary location shall be operated in this state unless the operator has~~

1 ~~been trained by a person who has attained a basic inflatable safety~~  
2 ~~operations certification from the safe inflatable operators training~~  
3 ~~organization or other nationally recognized organization.~~

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

8 **{New Sec. 3. (a) Each vendor of an inflatable device operated in**  
9 **this state shall obtain an annual permit for such inflatable device**  
10 **issued by the department. The owner shall submit an application for a**  
11 **permit along with a \$25 fee for each vendor to the secretary on such**  
12 **form and in such manner as prescribed by the secretary. The**  
13 **application for a permit shall include, but not limited to, the following:**

14 **(1) The name of the vendor and operator of the inflatable devices;**

15 **(2) the location of the inflatable devices or the location where**  
16 **such devices are stored when not in use;**

17 **(3) a valid certificate of annual inspection by an insurer; and**

18 **(4) proof of insurance.**

19 **(b) No inflatable devices shall be rented unless the customer**  
20 **receives from the vendor clear and proper use and safety protocols for**  
21 **use of the device from the vendor of the device as provided by the**  
22 **manufacturer.**

23 **(c) Any person violating this section shall be subject to a civil**  
24 **penalty of not to exceed \$500 for each violation. Notice of violations**  
25 **and appeal of any such violations by a vendor shall be as provided in**  
26 **K.S.A. 44-1610, and amendments thereto.**

27 **(d) This section shall be a part of and supplemental to the Kansas**  
28 **amusement ride act, K.S.A. 44-1601 et seq., and amendments thereto.}**

29 ~~Sec. 2-3 {4}. K.S.A. 44-1601 is and 44-1605 are hereby repealed.~~

30 ~~Sec. 3-4 {5}. This act shall take effect and be in force from and after~~  
31 ~~its publication in the statute book.~~