

House Substitute for SENATE BILL No. 307

By Committee on Federal and State Affairs

3-20

1 AN ACT concerning amusement rides; relating to the Kansas amusement
2 ride act; relating to limited-use amusement rides and registered
3 agritourism activities; amending K.S.A. 2017 Supp. 40-4801, 40-4802,
4 44-1601, 44-1602, 44-1603, 44-1605, 44-1606, 44-1607, 44-1608, 44-
5 1609, 44-1610, 44-1611, 44-1612, 44-1613, 44-1614, 44-1616, 44-
6 1617, 44-1618 and 44-1619 and repealing the existing sections.

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

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

15 (1) The name of the owner and operator of the limited-use
16 amusement ride or registered agritourism activity;

17 (2) the location of the ride, or the location where such ride is stored
18 when not in use;

19 (3) valid certificate of inspection; and

20 (4) proof of insurance.

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

23 (1) For limited-use amusement rides and registered agritourism
24 activities erected at a permanent location, \$75 for a ride designed for
25 patrons who are not more than 42 inches in height, and \$100 for a ride
26 designed for patrons who are more than 42 inches in height;

27 (2) for limited-use amusement rides and registered agritourism
28 activities erected at a temporary location, \$30; and

29 (3) for limited-use amusement rides and registered agritourism
30 activities owned or operated by a municipality or a nonprofit entity,
31 whether erected at a permanent or temporary location, \$10.

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

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

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

16 Sec. 2. K.S.A. 2017 Supp. 40-4801 is hereby amended to read as
17 follows: 40-4801. As used in K.S.A. 40-4802 and 40-4803, and
18 amendments thereto, the terms "amusement ride," "*limited-use amusement*
19 *ride*," "operator," ~~and~~ "owner" *and "registered agritourism activity"* shall
20 have the same meanings as those terms are defined in K.S.A. 2017 Supp.
21 44-1601, and amendments thereto.

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

31 (a) (1) *For an owner or operator of an amusement ride*, provide for
32 coverage in an amount not less than \$1,000,000 per occurrence with a
33 \$2,000,000 annual aggregate, except that this requirement shall be
34 satisfied if the owner of such amusement ride is the state or any
35 subdivision of the state and such owner self-insures, or participates in a
36 public entity self-insurance pool in accordance with K.S.A. 75-6111, and
37 amendments thereto; ~~and or~~

38 (2) *for an owner or operator of a limited-use amusement ride or*
39 *registered agritourism activity*, provide for coverage in an amount not less
40 than \$750,000 per occurrence with a \$1,000,000 annual aggregate; *and*

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

1 Sec. 4. K.S.A. 2017 Supp. 44-1601 is hereby amended to read as
 2 follows: 44-1601. As used in this act:

3 (a) (1) "Amusement ride" means any mechanical or electrical device
 4 that carries or conveys passengers along, around or over a fixed or
 5 restricted route or course or within a defined area for the purpose of giving
 6 its passengers amusement, pleasure, thrills or excitement ~~and shall include~~
 7 ~~all rides and devices included under ASTM international F24 committee~~
 8 ~~standards~~, including, but not be limited to:

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

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

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

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

19 (A) Games, concessions and associated structures;

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

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

28 (D) ~~home-owned~~ *limited-use* amusement rides;

29 (E) *registered agritourism activities*;

30 (F) *any ride commonly known as a hayrack ride in which patrons sit*
 31 *in a wagon or cart that is then pulled by horses or a tractor or other motor*
 32 *vehicle*;

33 (G) *any ride commonly known as a barrel train, which has a series of*
 34 *handmade cars fashioned from barrels that are connected and pulled by a*
 35 *tractor or other motor vehicle*; or

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

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

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

43 (d) "Class B amusement ride" means an amusement ride that is not

1 classified as a class A amusement ride.

2 (e) "Department" means the department of labor.

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

8 (g) "Nondestructive testing" means the development and application
9 of technical methods in accordance with ASTM F747 standards such as
10 radiographic, magnetic particle, ultrasonic, liquid penetrant,
11 electromagnetic, neutron radiographic, acoustic emission, visual and leak
12 testing to:

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

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

17 (3) measure geometrical characters.

18 (h) "Operator" means a person actually supervising, or engaged in or
19 directly controlling the operations of an amusement ride.

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

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

28 (k) (1) "Patron" means any individual who is:

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

31 (B) getting on an amusement ride;

32 (C) using an amusement ride;

33 (D) getting off an amusement ride; or

34 (E) leaving an amusement ride and still in the immediate vicinity of
35 the ride.

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

38 (l) "Person" means any individual, association, partnership,
39 corporation, limited liability company, government or other entity.

40 (m) "Qualified inspector" means a person who:

41 (1) Is a licensed professional engineer, as defined in K.S.A. 74-7003,
42 and amendments thereto, and has completed at least two years of
43 experience in the amusement ride field, consisting of at least one year of

1 actual inspection of amusement rides under a qualified inspector for a
2 manufacturer, governmental agency, amusement park, carnival or
3 insurance underwriter, and an additional year of practicing any
4 combination of amusement ride inspection, design, fabrication,
5 installation, maintenance, testing, repair or operation;

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

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

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

28 (n) "Registered agritourism activity" means an amusement ride, as
29 defined in subsection (a)(1), that is a registered agritourism activity, as
30 defined in K.S.A. 2017 Supp. 32-1432, and amendments thereto.

31 ~~(n)(o)~~ "Secretary" means the secretary of labor.

32 ~~(n)(p)~~ "Serious injury" means an injury that results in:

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

35 (2) a compound fracture; or

36 (3) other injury or illness that requires immediate ~~medical treatment~~
37 *admission and overnight hospitalization, and observation by a licensed*
38 *physician.*

39 ~~(n)(q)~~ "Sign" means any symbol or language reasonably calculated to
40 communicate information to patrons or their parents or guardians,
41 including placards, prerecorded messages, live public address, stickers,
42 pictures, pictograms, guide books, brochures, videos, verbal information
43 and visual signals.

1 ~~(g)~~(s) "Water slide" means a slide that is at least ~~15~~ 30 feet in height
2 and that uses water to propel the patron through the ride.

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

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

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

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

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

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

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

1 maintained for a period of three years.

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

6 (1) Instruction on operating procedures for the ride, the specific
7 duties of the operator, general safety procedures and emergency
8 procedures;

9 (2) demonstration of physical operation of the ride; and

10 (3) supervised observation of the operator's physical operation of the
11 ride.

12 (b) No amusement ride shall be operated in this state unless the name
13 of each operator trained to operate the ride and the certificate of each such
14 operator's satisfactory completion of such training, signed and dated by the
15 trainer, is available to any person contracting with the owner for the
16 amusement ride's operation on the premises where the amusement ride is
17 operated, during the hours of operation of the ride.

18 (c) *No inflatable device that is rented on a regular basis and erected*
19 *at a temporary location shall be operated in this state unless the operator*
20 *has been trained by a person who has attained a basic inflatable safety*
21 *operations certification from the safe inflatable operators training*
22 *organization.*

23 (d) *No water slide that is at least 15 feet in height shall be operated*
24 *in this state unless there is a lifeguard stationed at the water slide to*
25 *ensure patrons are properly adhering to the safety standards in place.*

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

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

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

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

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

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

43 (4) engage all safety devices that are provided;

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

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

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

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

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

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

15 (c) safety instructions for the ride are posted as required by K.S.A.
16 2017 Supp. 44-1606, and amendments thereto.

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

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

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

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

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

34 (b) A notice of violation may be issued by the department when an
35 amusement ride, limited-use amusement ride or registered agritourism
36 activity is found to be out of compliance with the provisions of this act, or
37 any rules or regulations adopted pursuant thereto. The notice of violation
38 may include an order to cease and desist operation of the specific
39 ~~amusement~~ ride until all violations are satisfactorily corrected.

40 (c) Within 10 business days after a notice of violation has been
41 issued, the person issued such notice may file a written request with the
42 department for an informal conference regarding the notice. If the person
43 issued the notice of violation does not request an informal conference

1 within this time frame, all provisions of the notice shall become final. If
2 the notice of violation is not resolved within the prescribed time frame, the
3 department may seek judicial enforcement of the notice of violation, or an
4 enforcement order may be issued.

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

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

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

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

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

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

31 Sec. 15. K.S.A. 2017 Supp. 44-1613 is hereby amended to read as
32 follows: 44-1613. The provisions of K.S.A. 2017 Supp. 44-1601 through
33 44-1619, *and section 1*, and amendments thereto, shall be known as the
34 Kansas amusement ride act.

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

39 (b) (1) On or before January 1, 2018, the secretary shall adopt rules
40 and regulations necessary to implement the amendments made to the
41 Kansas amusement ride act, K.S.A. 2017 Supp. 44-1601 et seq., and
42 amendments thereto, and the amusement ride insurance act, K.S.A. 40-
43 4801 et seq., and amendments thereto, by this act.

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

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

11 Sec. 17. K.S.A. 2017 Supp. 44-1616 is hereby amended to read as
12 follows: 44-1616. (a) No amusement ride shall be operated in this state
13 unless a valid permit for such ride has been issued by the department. The
14 owner of an amusement ride shall make application for a permit for such
15 amusement ride to the secretary on such form and in such manner as
16 prescribed by the secretary. The application for a permit shall include, but
17 is not limited to, the following:

18 (1) The name of the owner and operator of the amusement ride;

19 (2) the location of the amusement ride, or the location where such
20 ride is stored when not in use;

21 (3) valid certificate of inspection;

22 (4) proof of insurance; and

23 (5) *(A) for amusement rides manufactured prior to July 1, 2018,*
24 *certification that such ride qualifies as service proven, as that term is used*
25 *in the applicable ASTM international F24 committee standards; and*

26 *(B) for amusement rides manufactured on and after July 1, 2018,*
27 *certification that such ride meets the applicable ASTM international F24*
28 *committee standards pertaining to ride maintenance and operation.*

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

31 (1) For amusement rides erected at a permanent location, \$75 for a
32 class A amusement ride, and \$100 for a class B amusement ride;

33 (2) for amusement rides erected at a temporary location, \$30; and

34 (3) for amusement rides owned or operated by a municipality or a
35 nonprofit entity, whether erected at a permanent or temporary location,
36 \$10.

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

41 (d) In addition to the permit fees required under subsection ~~(a)~~ (b), no
42 amusement ride shall be operated in this state unless the owner of such
43 ride has registered as an amusement ride owner with the department.

1 Registration shall be valid for a period of one year. The owner of an
2 amusement ride shall register with the department in such form and in
3 such manner as prescribed by the secretary, and by paying a registration
4 fee as follows:

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

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

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

17 Sec. 18. K.S.A. 2017 Supp. 44-1617 is hereby amended to read as
18 follows: 44-1617. There is hereby established in the state treasury the
19 amusement ride safety fund, which shall be administered by the
20 department of labor. The amusement ride safety fund shall consist of those
21 moneys credited to the amusement ride safety fund pursuant to K.S.A. 44-
22 1610, *and amendments thereto*, and K.S.A. 2017 Supp. 44-1616, *and*
23 *section 1*, and amendments thereto. All expenditures from the amusement
24 ride safety fund shall be for the administration and enforcement of the
25 Kansas amusement ride act, and shall be made in accordance with
26 appropriation acts upon warrants of the director of accounts and reports
27 issued pursuant to vouchers approved by the secretary, or the secretary's
28 designee.

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

- 34 (A) The name, address and phone number of the injured person;
- 35 (B) a full description of the incident, the injuries claimed, any
36 treatment received and the location, date and time of the injury;
- 37 (C) the cause of the injury, if known; and
- 38 (D) the names, addresses and phone numbers of any witnesses to the
39 incident.

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

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

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

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

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

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

41 Sec. 20. K.S.A. 2017 Supp. 44-1619 is hereby amended to read as
42 follows: 44-1619. The provisions of this act shall not be enforced by the
43 secretary prior to the date of publication of the rules and regulations

1 adopted by the secretary pursuant to K.S.A. 2017 Supp. 44-1614(b), and
2 amendments thereto. Prior to taking any action pursuant to K.S.A. 2017
3 Supp. 44-1610, and amendments thereto, the secretary shall provide the
4 owner or operator of an amusement ride, *limited-use amusement ride or*
5 *registered agritourism activity* a reasonable period of time to comply with
6 the provisions of K.S.A. 2017 Supp. 44-1601 et seq., and amendments
7 thereto, and K.S.A. 40-4801 et seq., and amendments thereto.

8 Sec. 21. K.S.A. 2017 Supp. 40-4801, 40-4802, 44-1601, 44-1602, 44-
9 1603, 44-1605, 44-1606, 44-1607, 44-1608, 44-1609, 44-1610, 44-1611,
10 44-1612, 44-1613, 44-1614, 44-1616, 44-1617, 44-1618 and 44-1619 are
11 hereby repealed.

12 Sec. 22. This act shall take effect and be in force from and after its
13 publication in the statute book.