

## 2018 Kansas Statutes

### **44-1618. Injury reports; notice of injury to department; suspension of operation; investigations.** (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 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 a 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 ride shall be immediately removed from service. Except as provided in subsection (d), 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 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 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 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.

**History:** L. 2017, ch. 103, § 3; L. 2018, ch. 84, § 19; May 17.

Section was also enacted by L. 2017, ch. 61, § 3, but that version was repealed by L. 2017, ch. 103, § 15.

Section was also amended by L. 2018 ch. 73, § 19, but that version was repealed by L. 2018, ch. 84, § 22.