

As Amended by House Committee

Session of 2022

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 requirements of the act; amending
4 K.S.A. 44-1601 and 44-1605 and repealing the existing ~~section~~
5 ~~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;

35 (F) registered agritourism activities;

36 (G) *any inflatable device that is owned or operated by a nonprofit*

1 *organization as defined in K.S.A. 44-543, and amendments thereto;*

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

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

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

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

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

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

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

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

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

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

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

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

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

38 (3) measure geometrical characters.

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

41 ~~(H)~~(k) "Owner" means a person who owns, leases, controls or manages
42 the operations of an amusement ride and may include the state or any
43 political subdivision of the state.

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

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

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

9 (B) getting on an amusement ride;

10 (C) using an amusement ride;

11 (D) getting off an amusement ride; or

12 (E) leaving an amusement ride and still in the immediate vicinity of
13 the ride.

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

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

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

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

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

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

42 ~~(4) for purposes of inspecting inflatable devices that are rented on a
43 regular basis and erected at temporary locations, provides satisfactory~~

~~1 evidence of completing a minimum of five years of experience working
2 with inflatable devices and has received qualified training from a third
3 party, such as attainment of an advanced inflatable safety operations
4 certification from the safe inflatable operators training organization or
5 other nationally recognized organization.~~

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

9 (⊖)(q) "Secretary" means the secretary of labor.

10 (⊖)(r) "Serious injury" means an injury that results in:

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

13 (2) a compound fracture; or

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

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

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

23 **Sec. 2. K.S.A. 44-1605 is hereby amended to read as follows: 44-
24 1605. (a) No amusement ride shall be operated in this state unless the
25 operator has satisfactorily completed training that includes, at a
26 minimum:**

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

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

31 **(3) supervised observation of the operator's physical operation of
32 the ride.**

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

40 ~~(c) No inflatable device that is rented on a regular basis and erected at
41 a temporary location shall be operated in this state unless the operator has
42 been trained by a person who has attained a basic inflatable safety
43 operations certification from the safe inflatable operators training~~

1 ~~organization or other nationally recognized organization.~~

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

6 ~~Sec. 2.~~ **3.** K.S.A. 44-1601 ~~is~~ **and 44-1605 are** hereby repealed.

7 ~~Sec. 3.~~ **4.** This act shall take effect and be in force from and after its
8 publication in the statute book.