

## 2018 Kansas Statutes

### **44-1601. Definitions.** As used in this act:

- (a) (1) "Amusement ride" means any mechanical or electrical device that carries or conveys passengers along, around or over a fixed or restricted route or course or within a defined area for the purpose of giving its passengers amusement, pleasure, thrills or excitement, including, but not be limited to:
- (A) Rides commonly known as ferris wheels, carousels, parachute towers, bungee jumping, reverse bungee jumping, tunnels of love, roller coasters, boat rides, water slides, inflatable devices, commercial zip lines, trampoline courts and go-karts;
  - (B) equipment generally associated with winter activities, such as ski lifts, ski tows, j-bars, t-bars, chair lifts and aerial tramways; and
  - (C) equipment not originally designed to be used as an amusement ride, such as cranes or other lifting devices, when used as part of an amusement ride.
- (2) "Amusement ride" does not include:
- (A) Games, concessions and associated structures;
  - (B) any single passenger coin-operated ride that: (i) Is manually, mechanically or electrically operated; (ii) is customarily placed in a public location; and (iii) does not normally require the supervision or services of an operator;
  - (C) nonmechanized playground equipment, including, but not limited to, swings, seesaws, stationary spring-mounted animal features, rider-propelled merry-go-rounds, climbers, slides and physical fitness devices;
  - (D) antique amusement rides;
  - (E) limited-use amusement rides;
  - (F) registered agritourism activities;
  - (G) any ride commonly known as a hayrack ride in which patrons sit in a wagon or cart that is then pulled by horses or a tractor or other motor vehicle;
  - (H) any ride commonly known as a barrel train, which has a series of handmade cars fashioned from barrels that are connected and pulled by a tractor or other motor vehicle; or
  - (I) any amusement ride owned by an individual and operated solely within a single county for strictly private use.
- (b) "Antique amusement ride" means an amusement ride, as defined in subsection (a)(1), manufactured prior to January 1, 1930.
- (c) "Certificate of inspection" means a certificate, signed and dated by a qualified inspector, showing that an amusement ride has satisfactorily passed inspection by such inspector.
- (d) "Class A amusement ride" means an amusement ride designed for use primarily by individuals aged 12 or less.
- (e) "Class B amusement ride" means an amusement ride that is not classified as a class A amusement ride.
- (f) "Department" means the department of labor.
- (g) "Limited-use amusement ride" means an amusement ride, as defined in subsection (a)(1), owned and operated by a nonprofit, community-based organization that is operated for less than 20 days, or 160 hours, in a year and is operated at only one location each year.
- (h) "Nondestructive testing" means the development and application of technical methods in accordance with ASTM F747 standards such as radiographic, magnetic particle, ultrasonic, liquid penetrant, electromagnetic, neutron radiographic, acoustic emission, visual and leak testing to:
- (1) Examine materials or components in ways that do not impair the future usefulness and serviceability in order to detect, locate, measure and evaluate discontinuities, defects and other imperfections;
  - (2) assess integrity, properties and composition; and
  - (3) measure geometrical characters.
- (i) "Operator" means a person actually supervising, or engaged in or directly controlling the operations of an amusement ride.
- (j) "Owner" means a person who owns, leases, controls or manages the operations of an amusement ride and may include the state or any political subdivision of the state.
- (k) "Parent or guardian" means any parent, guardian or custodian responsible for the control, safety, training or education of a minor or an adult or minor with an impairment in need of a guardian or a conservator, or both, as those terms are defined by K.S.A. 59-3051, and amendments thereto.
- (l) (1) "Patron" means any individual who is:
- (A) Waiting in the immediate vicinity of an amusement ride to get on the ride;
  - (B) getting on an amusement ride;
  - (C) using an amusement ride;
  - (D) getting off an amusement ride; or
  - (E) leaving an amusement ride and still in the immediate vicinity of the ride.
- (2) "Patron" does not include employees, agents or servants of the owner while engaged in the duties of their employment.
- (m) "Person" means any individual, association, partnership, corporation, limited liability company, government or other entity.
- (n) "Qualified inspector" means a person who:
- (1) Is a licensed professional engineer, as defined in K.S.A. 74-7003, and amendments thereto, and has completed at least two years of experience in the amusement ride field, consisting of at least one year of actual inspection of amusement rides under a qualified inspector for a manufacturer, governmental agency, amusement park, carnival or insurance underwriter, and an additional year of practicing any combination of amusement ride inspection, design, fabrication, installation, maintenance, testing, repair or operation;
  - (2) provides satisfactory evidence of completing a minimum of five years of experience in the amusement ride field, at least two years of which consisted of actual inspection of amusement rides under a qualified inspector for a manufacturer, governmental agency, amusement park, carnival or insurance underwriter, and the remaining experience consisting of any combination of amusement ride inspection, design, fabrication, installation, maintenance, testing, repair or operation;
  - (3) has received qualified training from a third party, such as attainment of level I certification from the national association of amusement ride safety officials (NAARSO), attainment of level I certification from the amusement industry manufacturers and suppliers international (AIMS), attainment of a qualified inspector certification from the association for challenge course technology (ACCT), when applicable, or other similar qualification from another nationally recognized organization; or
  - (4) for purposes of inspecting inflatable devices that are rented on a regular basis and erected at temporary locations, provides satisfactory evidence of completing a minimum of five years of experience working with

inflatable devices and has received qualified training from a third party, such as attainment of an advanced inflatable safety operations certification from the safe inflatable operators training organization or other nationally recognized organization.

(o) "Registered agritourism activity" means an amusement ride, as defined in subsection (a)(1), that is a registered agritourism activity, as defined in K.S.A. 2018 Supp. 32-1432, and amendments thereto.

(p) "Secretary" means the secretary of labor.

(q) "Serious injury" means an injury that results in:

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

(2) a compound fracture; or

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

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

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

**History:** L. 2008, ch. 142, § 1; L. 2009, ch. 71, § 2; L. 2012, ch. 123, § 2; L. 2017, ch. 103, § 6; L. 2018, ch. 84, § 4; May 17.

Section was also amended by L. 2017, ch. 61, § 6, but that version was repealed by L. 2017, ch. 103, § 15.

Section was also amended by L. 2018 ch. 73, § 4, but that version was repealed by L. 2018, ch. 84, § 22.