

SENATE BILL No. 307

By Committee on Ways and Means

1-22

1 AN ACT concerning amusement rides; relating to the Kansas amusement
2 ride act; relating to home-owned amusement rides and agritourism
3 activities; amending K.S.A. 2017 Supp. 40-4801, 40-4802, 44-1601,
4 44-1602, 44-1603, 44-1606, 44-1607, 44-1608, 44-1609, 44-1610, 44-
5 1611, 44-1612, 44-1613, 44-1614, 44-1616, 44-1617, 44-1618 and 44-
6 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 home-owned 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 home-owned
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 home-owned 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 home-owned amusement rides and registered agritourism
28 activities erected at a temporary location, \$30; and

29 (3) for home-owned 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 home-owned amusement ride or
34 registered agritourism activity. Such permit shall be valid until such time
35 as the ride is sold or otherwise transferred to a new owner, or until such
36 time as the ride is permanently taken out of service. Any permit fee paid

1 by an applicant shall be returned to the applicant if the application is
2 denied. If a home-owned amusement ride or registered agritourism activity
3 is sold or otherwise transferred to a new owner, the new owner shall apply
4 for and be issued a permit for such ride in accordance with this section
5 prior to the operation of such ride.

6 (d) In addition to the permit fees required under subsection (b), no
7 home-owned amusement ride or registered agritourism activity shall be
8 operated in this state unless the owner of such ride has registered as a
9 home-owned amusement ride or registered agritourism activity owner with
10 the department. Registration shall be valid until such time as the ride is
11 sold or otherwise transferred to a new owner. The owner of a home-owned
12 amusement ride or registered agritourism activity shall register with the
13 department in such form and in such manner as prescribed by the secretary
14 and by paying a registration fee as follows:

15 (1) For home-owned amusement rides and registered agritourism
16 activities erected at a permanent location, \$500;

17 (2) for home-owned amusement rides and registered agritourism
18 activities erected at a temporary location, \$250; and

19 (3) for home-owned amusement rides and registered agritourism
20 activities owned by a municipality or nonprofit entity, whether erected at a
21 permanent or temporary location, \$50.

22 The fee required under this subsection shall be a one-time fee paid by
23 the owner, regardless of the number of rides owned by such owner.

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

29 Sec. 2. K.S.A. 2017 Supp. 40-4801 is hereby amended to read as
30 follows: 40-4801. As used in K.S.A. 40-4802 and 40-4803, and
31 amendments thereto, the terms "amusement ride," "*home-owned*
32 *amusement ride*," "operator," ~~and~~ "owner" and "*registered agritourism*
33 *activity*" shall have the same meanings as those terms are defined in
34 K.S.A. 2017 Supp. 44-1601, and amendments thereto.

35 Sec. 3. K.S.A. 2017 Supp. 40-4802 is hereby amended to read as
36 follows: 40-4802. No amusement ride, *home-owned amusement ride or*
37 *registered agritourism activity* shall be operated in this state unless at the
38 time of operation the owner has in effect an insurance policy insuring the
39 owner and operator against liability for bodily injury to persons arising out
40 of the operation of the amusement ride, *home-owned amusement ride or*
41 *registered agritourism activity*. The insurance policy shall be written by an
42 insurance company doing business in Kansas, or by a surplus lines insurer.
43 Such insurance policy shall:

1 (a) (1) *For an owner or operator of an amusement ride, provide for*
2 *coverage in an amount not less than \$1,000,000 per occurrence with a*
3 *\$2,000,000 annual aggregate, except that this requirement shall be*
4 *satisfied if the owner of such amusement ride is the state or any*
5 *subdivision of the state and such owner self-insures, or participates in a*
6 *public entity self-insurance pool in accordance with K.S.A. 75-6111, and*
7 *amendments thereto; ~~and or~~*

8 (2) *for an owner or operator of a home-owned amusement ride or*
9 *registered agritourism activity, provide for coverage in an amount not less*
10 *than \$750,000 per occurrence with a \$1,000,000 annual aggregate; and*

11 (b) *name as an additional insured any person contracting with the*
12 *owner for the ~~amusement ride's~~ operation of the amusement ride, home-*
13 *owned amusement ride or registered agritourism activity.*

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

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

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

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

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

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

32 (A) Games, concessions and associated structures;

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

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

41 (D) home-owned amusement rides;

42 (E) *registered agritourism activities; or*

43 (F) *any amusement ride owned by an individual and operated solely*

1 *within a single county for strictly private use.*

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

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

7 (d) "Class B amusement ride" means an amusement ride that is not
8 classified as a class A amusement ride.

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

10 (f) "Home-owned amusement ride" means an amusement ride, *as*
11 *defined in subsection (a)(1), owned by an individual and operate solely*
12 *within a single county for strictly private use and operated by a nonprofit,*
13 *community-based organization that is operated for less than 20 days in a*
14 *year and is operated at only one location each year.*

15 (g) "Nondestructive testing" means the development and application
16 of technical methods in accordance with ASTM F747 standards such as
17 radiographic, magnetic particle, ultrasonic, liquid penetrant,
18 electromagnetic, neutron radiographic, acoustic emission, visual and leak
19 testing to:

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

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

24 (3) measure geometrical characters.

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

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

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

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

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

38 (B) getting on an amusement ride;

39 (C) using an amusement ride;

40 (D) getting off an amusement ride; or

41 (E) leaving an amusement ride and still in the immediate vicinity of
42 the ride.

43 (2) "Patron" does not include employees, agents or servants of the

1 owner while engaged in the duties of their employment.

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

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

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

13 (2) provides satisfactory evidence of completing a minimum of five
14 years of experience in the amusement ride field, at least two years of
15 which consisted of actual inspection of amusement rides under a qualified
16 inspector for a manufacturer, governmental agency, amusement park,
17 carnival or insurance underwriter, and the remaining experience consisting
18 of any combination of amusement ride inspection, design, fabrication,
19 installation, maintenance, testing, repair or operation; or

20 (3) has received qualified training from a third party, such as
21 attainment of level H I certification from the national association of
22 amusement ride safety officials (NAARSO), attainment of level H I
23 certification from the amusement industry manufacturers and suppliers
24 international (AIMS), attainment of a qualified inspector certification from
25 the association for challenge course technology (ACCT), ~~Pennsylvania~~
26 ~~department of agriculture — general qualified inspector status~~, or other
27 similar qualification from another nationally recognized 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 ~~(o)~~ (o) "Secretary" means the secretary of labor.

32 ~~(p)~~ (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 ~~(q)~~ (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 (+) (s) "Water slide" means a slide that is at least 15 feet in height and
2 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) (1) 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 (2) *No home-owned amusement ride or registered agritourism*
9 *activity shall be operated in this state unless such ride has a valid*
10 *certificate of inspection. Home-owned amusement rides and registered*
11 *agritourism activities shall be inspected by a qualified inspector at least*
12 *every 24 months.*

13 (3) The certificate of an inspection required by this subsection shall
14 be signed and dated by the inspector and shall be available to any person
15 contracting with the owner for the ~~amusement ride's~~ operation of such
16 amusement ride, home-owned amusement ride or registered agritourism
17 activity. In addition, a visible inspection decal provided by the department
18 or other evidence of inspection shall be posted in plain view on or near the
19 amusement ride, home-owned amusement ride or registered agritourism
20 activity in a location where it can easily be seen.

21 (b) Inspections performed pursuant to this section shall be paid for by
22 the owner of the amusement ride, home-owned amusement ride or
23 registered agritourism activity, or in the case of a state agency or political
24 subdivision of the state, such governmental entity shall pay for the
25 inspection.

26 (c) *The qualified inspector shall not be liable for any personal injury*
27 *or property damage resulting from any act required or permitted by this*
28 *act, or any act committed in the scope of such qualified inspector's duties.*
29 *A qualified inspector who is the prevailing party in any action or other*
30 *proceeding brought against such qualified inspector for acts or omissions*
31 *by such qualified inspector while engaged in the discharge of such*
32 *inspector's duties under this act may be awarded court costs and*
33 *reasonable attorney fees. The provisions of this subsection shall not apply*
34 *to intentional or willful misconduct by a qualified inspector.*

35 (+) (d) In addition to the annual inspection required by subsection (a),
36 the operator of an amusement ride, home-owned amusement ride or
37 agritourism activity shall perform and record daily inspections of the
38 ~~amusement~~ ride. The daily inspection shall include an inspection of
39 equipment identified for daily inspection in accordance with the applicable
40 codes and the manufacturer's recommendations.

41 (+) (e) The secretary shall conduct random compliance audits of
42 amusement rides erected both at permanent locations and at temporary
43 locations. A warning citation for violation of this act shall be issued against

1 any owner or operator for a first violation.

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

4 Sec. 6. K.S.A. 2017 Supp. 44-1603 is hereby amended to read as
5 follows: 44-1603. The owner of an amusement ride, *home-owned*
6 *amusement ride or registered agritourism activity* shall retain at all times
7 current records relating to the construction, repair and maintenance of its
8 operation, including safety, inspection, maintenance records and ride
9 operator training activities for such ride. Such records shall be available to
10 any person contracting with the owner for the ~~amusement ride's~~ operation
11 *of such ride*, and shall be made available to the department at reasonable
12 times, including during an inspection upon the department's request.
13 Records of daily inspections must be available for inspection at the
14 location where the ride or device is operated. All records must be
15 maintained for a period of three years.

16 Sec. 7. K.S.A. 2017 Supp. 44-1606 is hereby amended to read as
17 follows: 44-1606. No amusement ride, *home-owned amusement ride and*
18 *registered agritourism activity* shall be operated in this state unless there is
19 posted in plain view on or near the ride, in a location where they can be
20 easily read, all safety instructions for the ride.

21 Sec. 8. K.S.A. 2017 Supp. 44-1607 is hereby amended to read as
22 follows: 44-1607. (a) Each patron of an amusement ride, *home-owned*
23 *amusement ride or registered agritourism activity*, by participation, accepts
24 the risks inherent in such participation of which an ordinary prudent
25 person is or should be aware.

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

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

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

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

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

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

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

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

40 Sec. 9. K.S.A. 2017 Supp. 44-1608 is hereby amended to read as
41 follows: 44-1608. Any person contracting with an owner for the
42 ~~amusement ride's~~ operation *of an amusement ride, home-owned*
43 *amusement ride or registered agritourism activity* shall ensure that:

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

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

5 (c) safety instructions for the ride are posted as required by K.S.A.
6 2017 Supp. 44-1606, and amendments thereto.

7 Sec. 10. K.S.A. 2017 Supp. 44-1609 is hereby amended to read as
8 follows: 44-1609. Whenever a serious injury results from the operation of
9 an amusement ride, *home-owned amusement ride or registered*
10 *agritourism activity*:

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

12 (b) operation of the ride shall not be resumed until it has been
13 inspected and the qualified inspector has approved resumption of
14 operation; and

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

18 Sec. 11. K.S.A. 2017 Supp. 44-1610 is hereby amended to read as
19 follows: 44-1610. (a) It is a class B misdemeanor for an owner or operator
20 of an amusement ride, *home-owned amusement ride or registered*
21 *agritourism activity* knowingly to operate, or cause or permit to be
22 operated, any amusement ride, *home-owned amusement ride or registered*
23 *agritourism activity* without a valid permit issued by the secretary.

24 (b) A notice of violation may be issued by the department when an
25 amusement ride, *home-owned amusement ride or registered agritourism*
26 *activity* is found to be out of compliance with the provisions of this act, or
27 any rules or regulations adopted pursuant thereto. The notice of violation
28 may include an order to cease and desist operation of the specific
29 ~~amusement~~ ride until all violations are satisfactorily corrected.

30 (c) Within 10 business days after a notice of violation has been
31 issued, the person issued such notice may file a written request with the
32 department for an informal conference regarding the notice. If the person
33 issued the notice of violation does not request an informal conference
34 within this time frame, all provisions of the notice shall become final. If
35 the notice of violation is not resolved within the prescribed time frame, the
36 department may seek judicial enforcement of the notice of violation, or an
37 enforcement order may be issued.

38 (d) The secretary may impose a fine of not more than \$1,000 for any
39 violation of the provisions of this act, or any rules or regulations adopted
40 pursuant thereto. All fines received by the secretary pursuant to this
41 section shall be remitted by the secretary to the state treasurer in
42 accordance with the provisions of K.S.A. 75-4215, and amendments
43 thereto. Upon receipt of each such remittance, the state treasurer shall

1 deposit the entire amount in the state treasury to the credit of the
2 amusement ride safety fund.

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

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

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

9 Sec. 12. K.S.A. 2017 Supp. 44-1611 is hereby amended to read as
10 follows: 44-1611. The attorney general, or the county or district attorney in
11 a county in which an amusement ride, *home-owned amusement ride or
12 registered agritourism activity* is located or operated, may apply to the
13 district court for an order enjoining operation of any amusement ride,
14 *home-owned amusement ride or registered agritourism activity* operated in
15 violation of this act.

16 Sec. 13. K.S.A. 2017 Supp. 44-1612 is hereby amended to read as
17 follows: 44-1612. The governing body of any city or county may establish
18 and enforce safety standards for amusement rides, *home-owned
19 amusement rides or registered agritourism activities* in addition to, but not
20 in conflict with, the standards established by this act.

21 Sec. 14. K.S.A. 2017 Supp. 44-1613 is hereby amended to read as
22 follows: 44-1613. The provisions of K.S.A. 2017 Supp. 44-1601 through
23 44-1619, *and section 1*, and amendments thereto, shall be known as the
24 Kansas amusement ride act.

25 Sec. 15. K.S.A. 2017 Supp. 44-1614 is hereby amended to read as
26 follows: 44-1614. (a) The secretary of labor shall adopt rules and
27 regulations necessary to implement provisions of the Kansas amusement
28 ride act, K.S.A. 2017 Supp. 44-1601 et seq., and amendments thereto.

29 (b) (1) On or before January 1, 2018, the secretary shall adopt rules
30 and regulations necessary to implement the amendments made to the
31 Kansas amusement ride act, K.S.A. 2017 Supp. 44-1601 et seq., and
32 amendments thereto, and the amusement ride insurance act, K.S.A. 40-
33 4801 et seq., and amendments thereto, by this act.

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

39 (3) All references to the American society for testing and materials
40 (ASTM) standards shall be to those standards adopted by the ASTM
41 international F24 committee, as published in ASTM international
42 standards volume 15.07, or any later version adopted by the secretary in
43 rules and regulations.

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

- 8 (1) The name of the owner and operator of the amusement ride;
- 9 (2) the location of the amusement ride, or the location where such
10 ride is stored when not in use;
- 11 (3) valid certificate of inspection;
- 12 (4) proof of insurance; and
- 13 (5) (A) *for amusement rides manufactured prior to July 1, 2018,*
14 *certification that such ride qualifies as service proven, as that term is used*
15 *in the applicable ASTM international F24 committee standards; and*
16 (B) *for amusement rides manufactured on and after July 1, 2018,*
17 *certification that such ride meets the applicable ASTM international F24*
18 *committee standards.*

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

- 21 (1) For amusement rides erected at a permanent location, \$75 for a
22 class A amusement ride, and \$100 for a class B amusement ride;
- 23 (2) for amusement rides erected at a temporary location, \$30; and
- 24 (3) for amusement rides owned or operated by a municipality or a
25 nonprofit entity, whether erected at a permanent or temporary location,
26 \$10.

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

31 (d) In addition to the permit fees required under subsection ~~(a)~~ (b), no
32 amusement ride shall be operated in this state unless the owner of such
33 ride has registered as an amusement ride owner with the department.
34 Registration shall be valid for a period of one year. The owner of an
35 amusement ride shall register with the department in such form and in
36 such manner as prescribed by the secretary, and by paying a registration
37 fee as follows:

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

42 The fee required under this subsection shall be an annual fee paid by
43 the owner, regardless of the number of amusement rides owned by such

1 owner.

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

7 Sec. 17. K.S.A. 2017 Supp. 44-1617 is hereby amended to read as
8 follows: 44-1617. There is hereby established in the state treasury the
9 amusement ride safety fund, which shall be administered by the
10 department of labor. The amusement ride safety fund shall consist of those
11 moneys credited to the amusement ride safety fund pursuant to K.S.A. 44-
12 1610, *and amendments thereto*, and K.S.A. 2017 Supp. 44-1616, *and*
13 *section 1*, and amendments thereto. All expenditures from the amusement
14 ride safety fund shall be for the administration and enforcement of the
15 Kansas amusement ride act, and shall be made in accordance with
16 appropriation acts upon warrants of the director of accounts and reports
17 issued pursuant to vouchers approved by the secretary, or the secretary's
18 designee.

19 Sec. 18. K.S.A. 2017 Supp. 44-1618 is hereby amended to read as
20 follows: 44-1618. (a) (1) A patron, or a patron's parent or guardian on a
21 patron's behalf, shall report in writing to the owner any injury sustained on
22 an amusement ride, *home-owned amusement ride or registered*
23 *agritourism activity* before leaving the premises. Such report shall include:

24 (A) The name, address and phone number of the injured person;

25 (B) a full description of the incident, the injuries claimed, any
26 treatment received and the location, date and time of the injury;

27 (C) the cause of the injury, if known; and

28 (D) the names, addresses and phone numbers of any witnesses to the
29 incident.

30 (2) If a patron, or a patron's parent or guardian, is unable to file a
31 report because of the severity of the patron's injuries, the patron or the
32 patron's parent or guardian shall file the report as soon as reasonably
33 possible.

34 (3) The owner shall prominently display signage at the point of
35 admission or ticket sale and at least two other locations in close proximity
36 to the amusement ride, *home-owned amusement ride or registered*
37 *agritourism activity* explaining a patron's duty to report injuries sustained
38 on such ~~amusement~~-ride. Such signage shall include instructions on how to
39 contact the owner's representatives if immediate assistance is needed and
40 how to make an injury report.

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

1 (b) The owner of an amusement ride, *home-owned amusement ride*
2 *or registered agritourism activity* shall notify the department of any
3 serious injury reported by a patron, or any injury caused by a malfunction
4 or failure of ~~an amusement~~ a ride or caused by an operator or patron error.
5 Such notification shall be submitted to the department within 72 hours of
6 the time that the operator becomes aware of the injury.

7 (c) If a serious injury occurs, the equipment or conditions that caused
8 the injury shall be preserved for the purpose of an investigation by the
9 department and such ~~amusement~~-ride shall be immediately removed from
10 service until an investigation is completed or deemed unnecessary by the
11 secretary. Except as provided in subsection (d), if investigation of a serious
12 injury is not commenced within 24 hours after the department receives
13 notification of such injury, then an investigation shall be deemed
14 unnecessary.

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

30 Sec. 19. K.S.A. 2017 Supp. 44-1619 is hereby amended to read as
31 follows: 44-1619. The provisions of this act shall not be enforced by the
32 secretary prior to the date of publication of the rules and regulations
33 adopted by the secretary pursuant to K.S.A. 2017 Supp. 44-1614(b), and
34 amendments thereto. Prior to taking any action pursuant to K.S.A. 2017
35 Supp. 44-1610, and amendments thereto, the secretary shall provide the
36 owner or operator of an amusement ride, *home-owned amusement ride or*
37 *registered agritourism activity* a reasonable period of time to comply with
38 the provisions of K.S.A. 2017 Supp. 44-1601 et seq., and amendments
39 thereto, and K.S.A. 40-4801 et seq., and amendments thereto.

40 Sec. 20. K.S.A. 2017 Supp. 40-4801, 40-4802, 44-1601, 44-1602, 44-
41 1603, 44-1606, 44-1607, 44-1608, 44-1609, 44-1610, 44-1611, 44-1612,
42 44-1613, 44-1614, 44-1616, 44-1617, 44-1618 and 44-1619 are hereby
43 repealed.

1 Sec. 21. This act shall take effect and be in force from and after its
2 publication in the statute book.