Session of 2025

HOUSE BILL No. 2229

By Representative Reavis

2-4

AN ACT concerning the Kansas amusement ride act; relating to inflatable devices and other amusement rides; providing for inspections, training and annual fees; amending K.S.A. 44-1601, 44-1602, 44-1605 and 44-1616 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 44-1601 is hereby amended to read as follows: 44-1601. 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. *Such training shall be good for five years.*

(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. 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.

Sec. 2. K.S.A. 44-1602 is hereby amended to read as follows: 44-1602. (a) No amusement ride*, antique amusement ride, limited-use amusement ride or registered agritourism activity* shall be operated in this state unless such ride has a valid certificate of inspection. An amusement ride ~~erected~~*, antique amusement ride, limited-use amusement ride or registered agritourism activity operated* in this state shall be inspected by a qualified inspector at least every 12 months.

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

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

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

(d) The secretary shall conduct random compliance audits of

amusement rides erected both at permanent locations and at temporary locations. A warning citation for violation of this act shall be issued against any owner or operator for a first violation.

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

Sec. 3. K.S.A. 44-1605 is hereby amended to read as follows: 44-1605. (a) No amusement ride*, antique amusement ride, limited-use amusement ride or registered agritourism activity* shall be operated in this state unless the operator has satisfactorily completed training that includes, at a minimum:

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

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

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

(b) No amusement ride*, antique amusement ride, limited-use amusement ride or registered agritourism activity* shall be operated in this state unless the name of each operator trained to operate the ride and the certificate of each such operator's satisfactory completion of such training, signed and dated by the trainer, is available to any person contracting with the owner for the amusement ride's operation on the premises where the amusement ride is operated, during the hours of operation of the ride.

(c) No inflatable device ~~that is rented on a regular basis and erected at a temporary location~~ shall be operated in this state unless the operator has been trained ~~by a person who has attained a basic inflatable safety operations certification from the safe inflatable operators training organization or other nationally recognized organization~~ *on how to properly operate such device in accordance with the manufacturer's guidelines*.

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

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

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

(2) the location of the amusement ride, or the location where such

ride is stored when not in use;

(3) valid certificate of inspection;

(4) proof of insurance; and

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

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

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

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

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

(3) for amusement rides owned or operated by a municipality or a nonprofit entity, whether erected at a permanent or temporary location, $10*; and*

(4) for amusement rides commonly known as inflatable devices:

(A) For 10 or fewer inflatable devices, $100;

(B) for 11 through 24 inflatable devices, $175; and

(C) for 25 or more devices, $250.

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

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

(1) For amusement rides erected at a permanent location, $500;

(2) for amusement rides erected at a temporary location, $250; and

(3) for amusement rides owned by a municipality or nonprofit entity, whether erected at a permanent or temporary location, $50.

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

(e) All fees received by the secretary pursuant to this section shall be remitted by the secretary to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in

the state treasury to the credit of the amusement ride safety fund.

Sec. 5. K.S.A. 44-1601, 44-1602, 44-1605 and 44-1616 are hereby repealed.

Sec. 6. This act shall take effect and be in force from and after its publication in the statute book.