

SESSION OF 2008

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2616

As Amended by House Committee on
Federal and State Affairs

Brief*

HB 2616, as amended, deals with inspection and regulation of amusement rides. The bill would require amusement rides operated in the State of Kansas to have a valid certificate of inspection. No amusement ride could be operated unless non-destructive testing of the ride by standards of the American Society for Testing and Materials has been documented. Amusement rides erected at a permanent location would have to be self-inspected by a qualified inspector every 12 months. Temporary amusement rides would have to be self-inspected every 30 days. A visible inspection decal would have to be posted in plain view on or near the amusement ride. In addition, the safety instructions for the ride would have to be posted in a location where they can easily be read. Under the bill, the amusement ride owner would have to retain current inspection records for such ride.

The bill would require operators to have satisfactorily completed training, which would include instruction on operation procedures, duties of the operator, safety and emergency procedures, and demonstration of physical operation of the ride. Under the bill, no amusement ride could be operated unless the name of each trained operator and a certificate of each operator's completion of such training is available to any person contracting with the owner for the amusement ride's operation.

The bill would require patrons, by participation, to accept the risks inherent in such participation by exercising the

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

judgement and act in a manner of an ordinary prudent person, obey all instructions and warnings, and refrain from participation in an amusement ride while under the influence of drugs or alcohol. Under the bill a patron or patron's parent or guardian would have to report any injury sustained on the ride. The failure to report an injury would not affect the patron's right to civil action. The bill would require the operation of the ride to be discontinued if a serious injury occurred and operation could not be resumed until it had been inspected.

If an owner or operator knowingly operated an amusement ride in violation of the Act, it would be a class B misdemeanor. It would be a class C misdemeanor to knowingly violate or not have an inspection certificate, maintenance and inspection records and posting safety instructions. Under the bill, each day a violation occurs would be a separate offense.

Under the bill, the Attorney General or the county or district attorney in the county where the amusement ride is operated could apply to the district court for an order enjoining operation of an amusement ride operated in violation of the Act. The governing body of any city or county could establish and enforce safety standards.

In addition, the Secretary of Labor would be required to adopt rules and regulations specifying programs that issue certification. The Secretary would have to develop an inspection checklist on the Department of Labor's website. Finally, the Secretary would have to conduct random inspections and a warning citation before any violation would be issued, but no criminal proceedings would be brought against any owner or operator.

Background

HB 2616 was the result of an interim special committee on Federal and State Affairs.

Proponents of the bill included Representative Tom Sloan and Denny Stoecklein, Kansas State Fair. Neutral testimony was provided by Steve Zink, Kansas Department of Labor.

No opponents testified on the bill.

The House Committee amended the bill to require the Secretary of the Department of Labor to develop and post an inspection checklist on its website. Also, the Committee amended the bill to require random inspections and issue warning citations for violations.

According to the fiscal note, the Department of Labor indicates that there would be no fiscal effect associated with the enactment of the bill. The Kansas Association of Counties indicated any additional expenditures for counties would be optional because it would be up to the discretion of each county to establish stricter requirements than what is already contained in the bill. The League of Kansas Municipalities also indicates that any additional safety standards would be at the discretion of cities.