

SENATE BILL No. 356

By Committee on Commerce

1-30

1 AN ACT concerning amusement rides; relating to regulation of home-
2 owned amusement rides; amending K.S.A. 2011 Supp. 44-1601 and 44-
3 1613 and repealing the existing sections.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2011 Supp. 44-1601 is hereby amended to read as
7 follows: 44-1601. As used in this act:

8 (a) (1) "Amusement ride" means any mechanical or electrical device
9 that carries or conveys passengers along, around or over a fixed or
10 restricted route or course or within a defined area for the purpose of giving
11 its passengers amusement, pleasure, thrills or excitement and shall include,
12 but not be limited to:

13 (A) Rides commonly known as ferris wheels, carousels, parachute
14 towers, bungee jumping, reverse bungee jumping, tunnels of love and
15 roller coasters;

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

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

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

22 (A) Games, concessions and associated structures;

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

27 (C) nonmechanized playground equipment, including, but not limited to,
28 swings, seesaws, stationary spring-mounted animal features, rider-
29 propelled merry-go-rounds, climbers, slides, trampolines, moon walks and
30 other inflatable equipment and physical fitness devices.

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

34 (c) "Department" means the department of labor.

35 ~~(d) "Home-owned amusement ride" means an amusement ride owned
36 by a not-for-profit entity and operated:~~

1 ~~(1) Solely within a single county;~~

2 ~~(2) by individuals on a volunteer basis; and~~

3 ~~(3) for a period not to exceed 12 days within one calendar year.~~

4 ~~(e)~~ (d) "Nondestructive testing" means the development and
5 application of technical methods such as radiographic, magnetic particle,
6 ultrasonic, liquid penetrant, electromagnetic, neutron radiographic,
7 acoustic emission, visual and leak testing to:

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

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

12 (3) measure geometrical characters.

13 ~~(f)~~ (e) "Operator" means a person actually engaged in or directly
14 controlling the operations of an amusement ride.

15 ~~(g)~~ (f) "Owner" means a person who owns, leases, controls or
16 manages the operations of an amusement ride and may include the state or
17 any political subdivision of the state.

18 ~~(h)~~ (g) "Parent or guardian" means any parent, guardian or
19 custodian responsible for the control, safety, training or education of a
20 minor or an adult or minor with an impairment in need of a guardian or a
21 conservator, or both, as those terms are defined by K.S.A. 59-3051, and
22 amendments thereto.

23 ~~(i)~~ (h) (1) "Patron" means any individual who is:

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

26 (B) getting on an amusement ride;

27 (C) using an amusement ride;

28 (D) getting off an amusement ride; or

29 (E) leaving an amusement ride and still in the immediate vicinity of
30 the ride.

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

33 ~~(j)~~ (i) "Person" means any individual, association, partnership,
34 corporation, limited liability company, government or other entity.

35 ~~(k)~~ (j) "Qualified inspector" means a person who holds a current
36 certification or other evidence of qualification to inspect amusement rides,
37 issued by a program specified by rules and regulations adopted under
38 K.S.A. 2011 Supp. 44-1603, and amendments thereto.

39 ~~(l)~~ (k) "Secretary" means the secretary of labor.

40 ~~(m)~~ (l) "Serious injury" means an injury that results in:

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

43 (2) a compound fracture; or

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

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

9 Sec. 2. K.S.A. 2011 Supp. 44-1613 is hereby amended to read as
10 follows: ~~(a) The provisions of K.S.A. 2011 Supp. 44-1601 through 44-~~
11 ~~1612, and amendments thereto, shall not apply to home-owned amusement~~
12 ~~rides, as defined in K.S.A. 2011 Supp. 44-1601, and amendments thereto.~~

13 ~~(b) The provisions of K.S.A. 2011 Supp. 44-1601 through 44-1612,~~
14 ~~and amendments thereto, and this section, and amendments thereto, shall~~
15 ~~be known as the Kansas amusement ride act.~~

16 Sec. 3. K.S.A. 2011 Supp. 44-1601 and 44-1613 are hereby repealed.

17 Sec. 4. This act shall take effect and be in force from and after its
18 publication in the statute book.