

Neutral Testimony of Daniel Yarnell Regarding House Bill No. 2389

Opening Statement:

Thank you for giving me the chance to speak on behalf of myself and my industry. First a little history on myself: I am 4th generation in the carnival business. I am a 3rd generation Carnival owner. I operate in Ks, Mo, Ok, Ia, and Ne. I am also a Level II NAARSO amusement ride inspector. I received my Level I NAARSO in 1997. I helped my grandfather bridge the gap between his generation with no paperwork and undocumented inspections to a new generation with drug testing, background checks, daily inspections, and a whole lot of extra paperwork. I have been inspecting amusement rides for over half my life. I have briefly set on the Amusement ride safety board for the state of Missouri. I am currently listed as one of the certified inspectors for Missouri. While president of the Hot Springs Showmen's Club in Arkansas, I started a Safety seminar directed towards the ride operator more than the inspector or owner. The ride operator is the 1st person that must be trained to help prevent an accident. I have been an instructor for several Safety Seminars, AIMS, NW Showmen's, and Hot Springs Showmen's to name a few. My carnival operation was used and I assisted with a four-day training class for the CPSC. We currently have 3 NAARSO certified inspectors on staff. Myself NAARSO II - 20yrs, Mike Coplin Ride Supervisor NAARSO I - 2yrs, and Justin Ryan NAARSO I - 5yrs. So, I would like to start by saying I am 100% for amusement ride legislation. I just think it needs to have the correct wording so it has the desired effect to the industry and for the state and its residents. I am not a law maker I just offer my testimony as a tool to help you reach your goals with this bill.

Page 1:

Line 16 – Certification of Fabrication:

In order to receive a permit, I would have to produce this certificate, but I have never heard of such a thing in our industry. It is not something the manufacture provides. And it is not listed as something the manufacturer is required to provide in the ASTM F24 standards. I think what you are trying to do is prevent homemade rides being introduced to the public. Wording should be modified as such. I believe it should also be addressed what is required of an owner if a ride manufacturer is out of business or was made overseas by a company that is no longer available.

Line 17 – Certification of manufacturer's tested ride:

In order to receive a permit, I would have to produce this certificate, but I have never heard of such a thing in our industry. It is not something the manufacture provides. And it is not listed as something the manufacturer is required to provide in the ASTM F24 standards. The manufacturer does not retest every ride they produce any more than Ford or John Deere. They test their ride at the shop and then sell them, unless you are talking about park rides that are assembled on location. I believe it should also be addressed what is required of an owner if a ride manufacturer is out of business or was made overseas by a company that is no longer available

Line 18 - Certification of employee training:

Does the state need verification that we are doing the employee training? Like they were checking for prior to the amendments. Operators change on the rides. You might not have the same operator in control of the ride every day. I do think that operator training is a must and continued educational training should be practiced. I do not see how this ties in with the permit of a certain amusement ride. Maybe you are asking for proof of operator training for the company. I am just not sure what you need exactly for the ride specific permit.

Line 22 - The cost for the permit:

The fee of \$100 per ride. How long is the permit good for? Is it good only for the location it is inspected at or is it good all year? Line 14 asks the location, that would change for traveling carnivals. Yes, it is a little high, but if the state provides an inspector to come out, do the inspection, make recommendations and then issues the permit it would be a better value. Oklahoma Charges \$50 per major ride \$25 per kiddie ride and they provide the inspector for the inspections. They also offer a waver program to the carnival if they have a qualified inspector on their staff.

Line 26 - What would cause the application to be denied?

Line 36 - Amusement rides that are restricted solely for use by patrons aged 18 or over:

Amusement rides are generally height or weight restricted not age. All manufactures use height and/or weight as the guidelines. Safety restraints are usually what decides the restrictions.

Page 2:

Line 35 - Definition of Amusement ride should contain – “Slides and inflatables”:

More than 50% of the accidents that happen on carnival midways happen on these types of amusement rides. If an accident happens on one of these rides does that mean they are not required to report the accident. This is a common practice by several states. And when asked why they wish to leave them out they all have the same response. “There are too many to regulate them all” But I thought that is the whole reason for the laws. But too big to fair or too many to keep track of. I get it.

Page 3:

Line 13-14 – Exclusions from the term “Amusement Ride”:

As stated before Slides, moon walks and other inflatable equipment should be included in the Amusement Ride Definition.

[Astm F-24: Amusement Ride Definitions:](#)

Amusement ride—A device that carries, suspends 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.

Class I amusement ride or amusement attraction—A type of amusement ride or amusement attraction with respect to which the following apply: (i) The ride or attraction is on the Department’s most current list of approved rides. (ii) The ride or attraction is a comparatively simple ride such as bumper cars, bumper boats, a multipassenger coin-operated kiddie ride, go-carts, a live animal ride, a manually powered ride, a miniature train, an inflatable bounce ride, slide or similar device.

Line 15, & 20-24 – “Home--owned amusement ride”:

I would understand a home owned ride being excluded because it does not have exposure to the general public, but it should not matter if the ride is owned by a non-for profit, only operated in only one county by volunteers or for only 12 days. If the amusement ride has exposure to the general public it should be just as safe as any other ride operated in the state. A ride that is only being used one or two weeks a year and sits in the weather or disassembled in a building would be at a higher risk in my personal opinion. The residents of that community should feel that they have the same safeguards as anywhere else in the state.

Page 4:

Line13-29 – Qualified inspector definition:

I believe it is very unwise to remove “who holds a current certification or other evidence of qualification to inspect amusement rides, issued by a program specified by rules and regulations adopted under K.S.A. 2016 Supp. 44-1602 and amendments thereto” It should also include: Certified by the National Association of Amusement Ride Safety Officials (NAARSO) to have and maintain at least a level one certification; or Is a member of the Amusement Industry Manufacturing and Suppliers (AIMS). Both of these certifications specialize solely with the training of amusement ride safety officials.

[ASTM F-24 Definition of a Qualified Inspector:](#)

§ 139.2. Definitions. The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise: Act—The Amusement Ride Inspection Act (4 P. S. §§ 401—419). Affiliated qualified inspector—A qualified inspector with a Department issued certificate and credential card authorizing that person to act as a qualified inspector only with respect to the amusement rides or amusement attractions of the owner or lessee designated on that certificate and credential card. An affiliated qualified inspector is not a general qualified inspector.

Companies that send their management, employees and supervisors to Safety seminars that are hosted by these and similar organizations really care about the safety of their customers. The certification is not just handed out to everyone that attends. The Testing is offered at the seminars and is an extremely challenging exam. Without the knowledge of the amusement industry and the various laws that govern it someone would not pass said exam. The Safety Seminars these people attend are great for getting the updates from manufactures, learning key inspection points on equipment you are not yet familiar with, etc. But the real knowledge and information that makes these individuals so important to our industry is the things that are not learned in the class room. At Lunch, Having coffee in the morning, or a drink when it done for the day. You talk to others in the business and compare different issues you have had with different equipment. Even things that may not have been so big of an issue the manufacturer had to put out a bulletin yet. Maybe someone owns a zipper and found a pin with unusual wear. So, when you get home you check your Zipper to see if it is having the same issue. And when you do an inspection you check that Zipper and explain why and the chain continues. NAARSO’s moto is safety through communication, and you can see that with all the amusement ride inspector specialist at all levels and in all divisions. So not including them as qualified inspectors is removing the specialist from the list, would take away from the safety that you are trying to improve with these amendments. The people that hold these certifications are insurance inspectors, state inspectors, Safety Officials, Government Officials and Employees of the companies that think it is worth the thousands of extra dollars in expense to have that training for their employees.

Line 35 – Removal of wording for reportable injuries:

Significant injury or illness that requires immediate medical treatment. Removal of the phrase “admission and overnight hospitalization and observation by a licensed physician” opens up an extremely unnecessary amount of exposure. Slips, trips and falls happen on every carnival midway, amusement park trail, que for an amusement ride, along with bloody noses and broken limbs from bounce houses are just a few examples of significant injuries that would require the taking of names, report of incident to the office, report of incident to the state, checking with the treatment facility, calling to check on said patron etc. All of which is not bad and some of those things are just good practice. Once again, I am not against the legislation just the wording to separate out the serious accident/serious incidents from the cuts, scraps, bruises and patrons that business may send to the hospital just to make sure they are alright. For example: Little Joey gets his arm caught in a vehicle door or lap bar. Mom might say he is ok. Not a big deal. As a business owner, I tell them, “I would feel more comfortable if you go to the hospital to get an x-ray just to make sure he is ok. Don’t worry we will cover the bill here is my contact info.” Joey ends up fine but it falls under the definition. The good thing about Kansas is it is located next to several states that have good amusement ride legislation.

[Example from Missouri’s Ride law:](#)

"Serious physical injury", a patron personal injury immediately reported to the owner or operator as occurring on an amusement ride and which results in death, dismemberment, significant disfigurement or other significant injury that requires immediate in-patient admission and twenty-four-hour hospitalization under the care of a licensed physician for other than medical observation; and

(11) "Serious incident", any single incident where three or more persons are immediately transported to a licensed off-site medical care facility for treatment of an injury as a result of being on or the operation of the amusement ride.

Page 5:

Lines 1-8 – Removal of the amusement ride specialty trained personal:

NAARSO (National Association of Amusement Ride Safety Officials):

Our Mission-

NAARSO is dedicated to the advancement of amusement ride and device safety through the doctrine of "Safety Through Communication".

Organization Profile-

NAARSO is a non-profit organization that provides resources for amusement industry professionals dedicated to the safety of the industry and its patrons.

NAARSO provides education and resources to amusement industry safety professionals.

NAARSO administers a certification program for amusement device inspectors.

We are Amusement Ride Inspectors representing jurisdictional agencies, insurance companies, private consultants, federal government agencies as well as safety professionals from amusement facilities and travelling shows.

Or - AIMS (Amusement Industry Manufacturers and Suppliers):

The Amusement Industry Manufacturers and Suppliers (AIMS) association is dedicated to Amusement Industry safety. Industry specific training & certifications are offered locally onsite and at the AIMS signature Safety Seminar Event. This annual, comprehensive training experience immerses students in a unique learning & networking environment, featuring diverse classroom and hands-on experiences lead by industry professionals and experts. CEU's awarded.

INSPECTOR CERTIFICATION PROGRAM-

The Inspector Certification Program is designed to test the knowledge of individuals working in the inspection field within the amusement industry. Certification is an outward demonstration of one's knowledge of general activities and technologies that are an integral part of a daily amusement ride program and his or her participation in such activities and programs. Certification is useful for securing additional business opportunities and jurisdictional accreditation as well as for personal development.

There are three levels of inspector certification.

Level I, Associate Ride Inspector (ARI)

Level II, Certified Ride Inspector (CRI)

Level III, Professional Ride Inspector (PRI)

In order to achieve certification, an individual must provide verification of his or her experience and education and he or she must receive passing scores on the certification exams. The certifications are renewable. In order to maintain the certification, receipt of continuing education units (CEU), attendance in an AIMS-approved curriculum and/or involvement in the amusement industry must be documented. Level I (ARI) certification tests are offered in both English and Spanish.

The AIMS Inspector Certification Program is an internationally recognized program for verification of knowledge and participation in the field of amusement ride inspection.

When an individual achieves a Level III certification, it will be clear that person is a valuable asset to the amusement industry. A Professional Ride Inspector is a person who not only has gained knowledge with years of experience, but he or she also unselfishly gives back to the industry from which he or she has benefited.

These are the Certifications you want to remove from the list. They know more about the amusement ride industry than anyone in the world. They are the Specialist in our industry. Removing their knowledge and experience from the list of qualified inspectors in the state would not improve the safety of amusement rides in the state. It is my opinion that you should look into their history and contributions to the amusement industry before making that a final decision.

Lines 9-20 - Self inspected:

I agree with this to the extent I have been addressing over and over. If a company has shown the interest in safety and does in fact have a NAARSO or AIMS certified inspector on staff I think they should be allowed to be in a waiver program. I believe fully that the state should provide amusement ride inspectors to do the inspections they require. This will get the inspections done to their expectations without question and give them much more oversight. And if the company has a certified inspector they may apply for a waiver after the first successful state inspection. The companies that care about safety get the training. With the state providing the inspectors and having the added oversight, they will be able to weed out any bad operators that do not comply with the new policy, and reach their intended goal.

Line 21 - Insurance Company Responsibility:

This is one of the lines that has brought me before you. The insurance companies for this industry generally pay for one inspection a year for your company. That is for their benefit. They send in one of their NAARSO certified inspectors to inspect your equipment, operating procedures, inspection procedure, operator training, and misc. paperwork. They leave you with a list of recommendations that need to be completed in a timely manner to continue coverage. They charge an inflated amount of money to insure our business upwards of 15-30% of total gross sales. My insurance company has informed me that none of their inspectors meet the Qualified Inspector requirements. Also, I was informed by my insurance company that they will not be paying for any state inspections. I would have to agree with my insurance company. It is not their responsibility to pay for the state inspection it is my expense as an owner. And unless the state is providing the inspectors for this, I do not know where any carnivals will find an inspector that will meet the states proposed requirements.

Page 6:

Line 4 - Use of the word “Constructed”:

Can this somehow be construed to imply that all rides, regardless of the date of manufacture, must conform to the latest ASTM Standards in effect on the effective date of the statute? My concern is the word constructed. Does this mean that as examples: Eli Bridge Ground Mount Hi 5, Eyerly Roll-o-Plane, Sellner cable drive Tilt, Hampton Jump Cycle and Parker MGR would need to conform to the current version of F2291?? Would carnival owners need to get equipment built prior to the current version of F2291 engineered prior to continued operation? If yes, the carnivals will keep the engineers busy for a while getting engineering documentation together for virtually all portable and permeant amusement rides (except those built in the last few years). Some wording should be added to make allowances for older rides.

Page 6 & Page 7:

Line 32-43 page 6 Lines 1-12 page 7 - Removal of Patron Responsibility Laws:

Laws are equal. The same no matter who you are. Discrimination has been in the spotlight more and more lately. Protests and riots are not uncommon. Not everyone who participates in these actions think before they act. The laws our government draft are for the people, and that includes the businesses they operate. Taking the patrons responsibility out of the law says they can do no wrong. If the ride operator is in the wrong, they should be accountable. The owner, is in the wrong they should be accountable. If the manufacturer is in the wrong, they should be held accountable. And to my point, if the patron is in the wrong they should be held accountable as well.

Page 7:

Lines 5-6 – wording:

All I have is a suggestion for the wording on this to “Any parent or guardian of a minor patron shall have a duty to reasonably ensure that the minor patron complies with all provisions of this act.”

Closing Statement:

All of statements I have made today are just my opinion. I have seen so many amusement laws written and amended over the past 20 years. I just offer my testimony as a tool to help Kansas avoid some of the conflict stemming from unforeseen issues in the Bill. I foresee these issues limiting the effectiveness and the goals of this bill. I am all for a well-researched amusement ride inspection regulation. I just think that it needs to be written properly to achieve maximum effect and the desired outcome. If it becomes so hard to get insured, permitted, or inspected in the state, countless fairs, festivals, picnics and community events will find themselves without carnivals. I don't believe that is the goal of this bill. I believe it is to ensure safer equipment and better piece of mind when attending a carnival or amusement part in the state of Kansas. I hope that some of my concerns were heard today thank you for taking the time.