



**TESTIMONY IN SUPPORT OF SB 307 – Amendments to the Kansas amusement ride act concerning home-owned amusement rides and agritourism activities**

To: Senate Committee on Federal & State Affairs  
Sen. Bud Estes, Chair

From: City of Lenexa

Date: February 6, 2018

Honorable Chair and Committee Members:

The City of Lenexa is in support of the SB 307 which amends various provisions of the Kansas amusement ride act (K.S.A. 44-1601 *et seq.*) and the Amusement ride insurance act (40-4801 *et seq.*). The bill provides much needed clarification to the definition of “Amusement ride” and “Serious injury” to provide the Kansas Department of Labor, as well as owners and operators of Amusement rides, better guidance and understanding in the application of the law. However, the City of Lenexa also urges the Committee to consider revising section 3 of the bill to include an additional amendment to K.S.A. 40-4802(a) to provide that if the owner of an amusement ride is a municipality, the required insurance coverage may be satisfied if such owner carries insurance coverage up to the statutory limits set forth in K.S.A. 75-6105 of the Kansas Tort Claims Act.

The Kansas Tort Claims Act, K.S.A 75-6101 *et seq.*, makes municipal liability for negligent acts the rule, subject to certain exceptions. Under the Kansas Tort Claims Act, liability is limited to \$500,000 for any single occurrence or accident. K.S.A. 75-6105(a). This limit can be exceeded if a municipality secures liability insurance that provides coverage in excess of the statutory limit. K.S.A. 75-6111(a). For example, if a municipality secures liability insurance with a \$2,000,000 limit, the maximum limit of liability is increased from the statutory \$500,000 to the available \$2,000,000. Because this excess insurance is unnecessary and expensive, many municipal insurance policies include a provision that limits liability to the statutory limit.

As presently written, K.S.A. 40-4802(a) requires municipalities who own or operate an amusement ride to carry liability insurance to secure coverage of \$1,000,000 per occurrence, which is in excess of the \$500,000 statutory limit. This excess coverage can be expensive and increases a municipality’s liability beyond what was contemplated in the Kansas Tort Claims Act. Furthermore, K.S.A. 40-4802(a) provides a specific exception to the insurance requirements for municipalities who choose self-insure or who participate in a public entity self-insurance pools, but unfairly excludes municipalities who have instead opted to purchase insurance in accordance with K.S.A. 75-6111.



The City of Lenexa urges you to support SB 307 with the additional amendment to K.S.A. 40-4802 to provide that an owner of an amusement ride who is also a municipality, is in compliance with the insurance requirements of the Amusement Ride Act provided they self-insure, participate in a public entity self-insurance pool, or carry insurance up to the statutory limits set forth in K.S.A. 75-6105.