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MEMORANDUM

To: Chairman Barker
Members of the House Committee on Federal and State Affairs

From: Jason B. Long, Senior Assistant Revisor

Date: March 23, 2017

Subject: HB 2389 – Regulation of amusement rides.

House Bill No. 2389 (HB 2389) makes various amendments to the Kansas amusement ride act, which regulates amusement rides operated in this state.

Section 1 of the bill would create new law requiring each amusement ride to have a valid permit issued by the Department of Labor (Department). Permanent amusement rides would have an annual permit fee of \$840. Temporary amusement rides would have an annual permit fee of \$100.

Section 2 would create new law requiring the owner of an amusement ride to have minimum liability insurance coverage. For amusement rides restricted to individuals 18 and over the minimum coverage would be \$100,000 per occurrence. For all other amusement rides the insurance coverage would be at least \$1,000,000 per occurrence.

Section 3 would create new law concerning the reporting of injuries sustained on an amusement ride. Subsection (a) is existing law that is being moved to this section for organizational purposes. Subsections (b) and (c) would create new requirement for owners to notify the Department of serious injury within 72 hours, and to preserve the injury scene for investigation purposes.

Section 4 amends K.S.A. 44-1601 to change the definition of "qualified inspector." Under HB 2389 a qualified inspector must be either a licensed engineer with at least two years of inspection experience in the amusement ride field, or have at least five years of inspection experience in the amusement ride field.

Section 5 amends K.S.A. 44-1602 to require annual inspections for permanent amusement rides by a qualified inspector. Temporary amusement rides would be inspected upon

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reassembly. Under HB 2389 inspections would be paid for by the insurance company. Also, daily inspections would be required.

Section 6 amends K.S.A. 44-1603 to require more thorough record retention by amusement ride owners. It would also require that such records be made available to the Department.

Section 7 amends K.S.A. 44-1604 to require that amusement rides be constructed in accordance with the standards of the American Society for Testing and Materials (ASTM), or the manufacturer's recommendations if ASTM standards are not applicable.

Section 9 amends K.S.A. 44-1610 to strike the criminal penalty for violations of the act. This is replaced under HB 2389 with a regulatory system where the Department would provide notice of violation and give the owner an opportunity to cure the violation. The Secretary could impose a fine of up to \$1,000 for each violation. This would be subject to the Kansas Administrative Procedure Act.

If enacted the provisions of HB 2389 would be effective July 1, 2017.