

302 KAR 16:040. Correction of safety violations and right to re-inspection.

RELATES TO: KRS 247.232, 247.234, 247.236

STATUTORY AUTHORITY: KRS 247.234, 247.236

NECESSITY, FUNCTION, AND CONFORMITY: KRS 247.234 authorizes the Commissioner of the Department of Agriculture to promulgate administrative regulations for safety inspections for amusement rides or attractions. This administrative regulation establishes procedures for the correction of safety violations by amusement rides or attractions.

Section 1. If a department safety inspector finds an amusement ride or attraction does not comply with KRS 247.232 to 247.236, 302 KAR 16:010 through 302 KAR 16:140, or manufacturer standard, the inspector shall issue a stop operation order prohibiting the operation of the amusement ride or attraction, or any part thereof, found to be in violation. (1) The stop operation order shall be removed from the amusement ride, amusement attraction, or structure only if the violation has been corrected and then only by a department safety inspector.

(2) A stop operation order shall not be issued for any violation found to be correctable as established in 302 KAR 16:030.

(3) Any amusement ride that that requires a re-inspection shall be subject to the applicable fee established in 302 KAR 16:020.

Section 2. If a safety inspector determines an amusement ride or attraction present an imminent danger, the inspector shall issue and attach a stop operation order against the use of the amusement ride or attraction. The order shall not be removed until the device is made safe, and then only by a safety inspector. (11 Ky.R. 401; eff. 9-11-1984; 14 Ky.R. 234; eff. 9-10-1987; 29 Ky.R. 2337; 2665; eff. 5-15-2003; 35 Ky.R. 2134; 2422; eff. 6-5-2009; Crt eff. 1-24-2019; 45 Ky.R. 3504; 46 Ky.R. 431; eff. 8-22-2019.)