

**CHAPTER 268****(HB 473)**

AN ACT relating to amusement rides and attractions.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 247.232 is amended to read as follows:

As used in KRS 247.234 and 247.236:

- (1) "Amusement ride" means any mechanized device or combination of devices which carry passengers along, around, or over a fixed or restricted course for the purpose of giving its passengers amusement, pleasure, thrills, or excitement. "Amusement ride" does not include coin-operated amusement devices, ***unless designated by administrative regulation promulgated by the Commissioner,*** ~~[that carry no more than two (2) persons]~~ and devices regulated by the Federal Aviation Administration, the Kentucky Transportation Cabinet, the federal railroad commission, and vessels under the jurisdiction of the United States Coast Guard or the Kentucky Department of Fish and Wildlife Resources;
- (2) "Amusement attraction" means any building or structure around, over, or through which people may walk, climb, slide, jump, or move that provides amusement, pleasure, thrills, or excitement. "Amusement attraction" does not include tractor pulls, auto or motorcycle events, horse shows, rodeos and other animal shows, games and concessions, nonmechanical playground equipment, such as swings, ~~[slides, ]~~seesaws, ~~[climbers, trampolines,]~~ rider-propelled merry-go-rounds, stationary spring-mounted animal devices, and physical fitness equipment, unless designated by ***administrative regulation promulgated by*** ~~[of]~~ the Commissioner;
- ~~(3) "Carnival" means an enterprise offering amusement or entertainment to the public by means of one (1) or more amusement rides and attractions;~~
- ~~(4) "Fair" means an enterprise principally devoted to the exhibition of products of agriculture, science, or industry in conjunction with the operation of one (1) or more amusement rides or attractions;~~
- ~~(5) "Owner" means any person who owns an amusement ride or attraction [or, in the event that the amusement ride or attraction is leased, the lessee]; and~~
- ~~(4) [(6)] "Commissioner" means the Commissioner of Kentucky Department of Agriculture or his authorized representative.~~

Section 2. KRS 247.234 is amended to read as follows:

- (1) No amusement ride or attraction shall be operated ~~[at a fair or carnival]~~ in this state without a permit of operation issued by the Commissioner to the owner ~~[or operator]~~ of ***the*** ~~[such]~~ equipment. ***The permit shall be kept on site and viewable upon request.***
- (2) (a) The permit of operation required by this section shall be valid for a period of one (1) year and shall be issued in accordance with administrative regulations promulgated by the Commissioner;
- (b) ***A permit shall be issued to each owner to operate any amusement ride or attraction in this state. A fee of fifty dollars (\$50) shall be levied for each amusement ride or attraction*** ~~[The fee for such permit of operation shall be fifty dollars (\$50) for each ride or attraction owned or operated in this state];~~

- (c) The applicant shall furnish proof of liability insurance in effect on the operation of each amusement ride or attraction providing coverage, with an insurer authorized to issue~~such~~ a policy in this state, in the amount of three hundred thousand dollars (\$300,000) due to all bodily injuries or deaths per occurrence, or in lieu thereof, if the applicant's amusement ride or amusement attraction is one that is permanently located or erected on a site in this state, the applicant shall be required only to provide proof of liability insurance in the sum of one hundred thousand dollars (\$100,000) or proof of financial responsibility in the sum of one hundred thousand dollars (\$100,000). Every insurance carrier of ~~these~~~~such~~ policies shall notify the Commissioner at least thirty (30) days prior to cancellation of ~~a~~~~the~~ policy **for mobile amusement rides or attractions and at least ten (10) days prior to cancellation of a policy for permanent amusement rides or attractions**. In addition to proof of adequate insurance coverage, the applicant shall furnish any other information the Commissioner may require, including, but not limited to, written notice of each intended operating site to be received by the Commissioner at least fourteen (14) days prior to operation at that site. ~~However,~~ In cases of emergency, notice of a change in future plans may be given to the Commissioner by telephone. Insurance requirements for amusement rides and attractions operated at the Kentucky State Fair may be adjusted by the Commissioner to any amount reasonably necessary to ensure adequate coverage;
- (d) ~~Before issuing any permit,~~ The Commissioner shall provide for an inspection of each amusement ride or attraction **before it may be** operated in this state. The Commissioner shall designate persons qualified by education or experience, who are capable of determining amusement safety in accordance with **administrative regulations promulgated in accordance with**~~adopted pursuant to~~ KRS 247.232 to 247.236, as amusement safety inspectors; and
- (e) **A Kentucky inspection seal shall be affixed to every individual amusement ride or attraction, or other location as determined by the Commissioner, before it may be operated in this state**~~permit of operation shall be posted in full public view on or near the amusement ride or attraction~~.
- (3) (a) In addition to a mandatory initial inspection, required in subsection (2)(d) of this section, the Commissioner may inspect amusement rides and attractions without notice at any time while operating in this state. There will be no charge for additional inspections in which safety violations are not found~~and for additional inspections in which safety violations are found and corrected immediately~~.~~However,~~ In regard to situations in which safety violations are found~~that cannot be corrected immediately~~, the Commissioner ~~may~~~~shall~~ charge an inspection fee **not to exceed five hundred dollars (\$500)**~~in the amount of one hundred dollars (\$100)~~ for any future inspection necessary. **The corrections of these safety violations shall comply with accepted standards of safety, and shall be accomplished prior to operating the equipment in this state**~~to determine if that particular amusement ride or attraction complies with accepted standards of safety~~; ~~or~~
- (b) In regard to situations in which safety violations are found that cannot be corrected immediately, the amusement ride or attraction shall cease to operate in this state by order of the amusement safety inspector. In addition, the amusement safety inspector shall conspicuously post a public notice on or near the amusement ride or attraction. The notice shall adequately inform the public of the safety violation present. **Only an**

*amusement safety inspector employed by the department may remove the public notice;*

- (c) Any owner who continues to operate an amusement ride or attraction after an order to cease operation has been issued shall have his permit of operation revoked and may be subject to further penalties provided in KRS 247.990 and this section. In addition, the county attorney of each county and the Commissioner of Agriculture or his agents are hereby authorized to seek an injunction against the owner or operator of any amusement ride or attraction being operated in violation of KRS 247.232 to 247.236; and
- (d) Revenue generated by this section shall be used for the implementation and administration of KRS 247.232 to 247.236; the balance, if any, shall be paid into the general fund of this state.

Section 3. KRS 247.990 is amended to read as follows:

- (1) Any person who violates subsection (3) of KRS 247.270 or who diverts the funds or profits of a farm bureau to any purpose except the purposes of the farm bureau shall be guilty of theft and be punished as provided by law.
- (2) Any officer who makes a certificate required by subsection (2) of KRS 247.270 or by KRS 247.300 knowing it to be false or incorrect in any particular, shall be fined not more than one hundred dollars (\$100).
- (3) Any owner of an amusement ride or attraction who violates any provision of KRS 247.234 or 247.236 or any *administrative* regulation promulgated *in accordance with* ~~in accordance with~~ ~~pursuant to~~ KRS 247.234 or 247.236, and ~~the~~ ~~such~~ violation is specifically determined not to be of a serious nature, is subject to a civil fine not to exceed *one thousand dollars (\$1,000)* ~~one hundred dollars (\$100)~~ for each offense.
  - (a) Any owner of an amusement ride or attraction who knowingly operates an amusement ride or attraction without a permit of operation as required by KRS 247.234, shall be fined not more than *one thousand dollars (\$1,000)* ~~two hundred fifty dollars (\$250)~~ or be imprisoned in the county jail for not more than ninety (90) days, or both.
  - (b) Any person who knowingly makes any false statement, representation, or certification in an application for a permit as required by KRS 247.234, shall be fined not more than *one thousand dollars (\$1,000)* ~~two hundred fifty dollars (\$250)~~ or be imprisoned in the county jail for not more than ninety (90) days, or both.
  - (c) Any owner of an amusement ride or attraction who knowingly violates any provision of KRS 247.234 or 247.236 or any *administrative* regulation promulgated *in accordance with* ~~in accordance with~~ ~~pursuant to~~ KRS 247.234 or 247.236, and ~~the~~ ~~such~~ violation is determined to be the cause of a serious injury or death, shall be fined not more than *one thousand dollars (\$1,000)* ~~five hundred dollars (\$500)~~ or be imprisoned in the county jail for not more than one (1) year, or both.

**Approved April 9, 2002**