

CHAPTER 28**(SB 50)**

AN ACT relating to amusement rides and attractions and declaring an emergency.

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 ~~247.232 to 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, 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, seesaws, rider-propelled merry-go-rounds, stationary spring-mounted animal devices, and physical fitness equipment, unless designated by administrative regulation promulgated by the Commissioner;
- (3) "Owner" means any person who owns an amusement ride or attraction; and
- (4) "Commissioner" means the Commissioner of Kentucky Department of Agriculture or his authorized representative.

SECTION 2. A NEW SECTION OF KRS 247.232 TO 247.236 IS CREATED TO READ AS FOLLOWS:

- (1) (a) *Every person that operates a for-profit business that provides temporary amusement rides or amusement attractions that are within the same county as, or are within a five (5) mile radius of, a public fair or exposition that is sanctioned by the Department of Agriculture and is operated by a public fair association shall, before beginning operation, pay a license fee of two thousand dollars (\$2,000) per day of operation to the fiscal court of the county in which the temporary amusement rides or amusement attractions are located.*
- (b) *The provisions of paragraph (a) of this subsection shall not apply to temporary amusement rides or amusement attractions that:*
 1. *Operate in connection with the sanctioned public fair or exposition;*
 2. *Operate at a public fair or exposition that is in a contiguous county, is sanctioned by the Department of Agriculture, and is under the authority of a public fair association;*
 3. *Operate under the authority of a religious or educational organization;*

4. *Operate more than thirty (30) days before or seven (7) days after the sanctioned public fair or exposition;*
 5. *Are clown acts, local festivals, or amusement or entertainment shows with six (6) or fewer kiddie rides; or*
 6. *Operated as a non-profit or charitable organization in this state before the effective date of this Act.*
- (2) *Collection and enforcement for payment of the license fee shall be the sole responsibility of the law enforcement entity acting on behalf of and at the direction of the fiscal court in which the temporary amusement rides or amusement attractions are located.*
- (3) *Failure to pay the license fee upon request of the law enforcement entity shall result in the cessation of operation of the amusement rides or amusement attractions by the operator.*

Section 3. Whereas public fairs and expositions sanctioned by the Department of Agriculture will be conducted before the normal effective date of this legislation, an emergency is declared to exist, and this Act shall take effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved March 10, 2003