

## CHAPTER 5

## ( SB 103 )

AN ACT relating to amusement rides and attractions.

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

➔Section 1. KRS 247.234 is amended to read as follows:

- (1) Every owner of an amusement ride or attraction shall be required to complete an application for a business identification number on a form provided by the department.
- (2) No amusement ride or attraction shall be operated in this state without a business identification number issued by the Commissioner to the owner of the equipment. The business identification number shall be kept on site and viewable upon request.
- (3)
  - (a) The business identification number 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 business identification number shall be issued to each owner to operate any amusement ride or attraction in this state. An inspection fee, which shall be determined by administrative regulations promulgated by the Commissioner, shall be levied for each amusement ride or attraction. The fee shall be based on the complexity of the ride or attraction and shall not be less than ten dollars (\$10) nor more than five hundred dollars (\$500). The cost of all inspections shall be paid by the owner of the amusement ride or attraction and may be prepaid, but shall be paid no later than the day of the inspection;
  - (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 a policy in this state, in the amount of not less than five hundred thousand dollars (\$500,000) 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 financial responsibility in the sum of five hundred thousand dollars (\$500,000). Every insurance carrier of these policies shall notify the Commissioner at least thirty (30) days prior to cancellation of a 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;~~;~~
  - (d) In addition to proof of adequate insurance coverage, the applicant shall furnish any other information the Commissioner may require, including but not limited to:
    1. Written notice of each intended operating site to be received by the Commissioner at least fourteen (14) days prior to operation at that site. 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; *and*
    2. *A written list of prior violations of KRS 247.232 to KRS 247.236 that resulted in civil penalties assessed against the applicant, any employee of the applicant, or any officer or manager if the applicant is a partnership or corporation;*
  - ~~(e)~~ 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 KRS 247.232 to 247.236, as amusement safety inspectors; and
  - ~~(f)~~ 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.
- (4)
  - (a) In addition to a mandatory initial inspection, required in subsection (3)(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. In regard to situations in which safety violations are found, the Commissioner may charge an inspection fee not to exceed five hundred dollars (\$500) 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;

- (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 business identification number revoked and may be subject to further penalties provided in KRS 247.233. In addition, the county attorney of each county and the Commissioner of Agriculture or the Commissioner's 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 and KRS 247.233 shall be used for the implementation and administration of KRS 247.232 to 247.236; the balance, if any, shall not lapse but shall be carried forward to the next fiscal year.
- (5) (a) An owner of an amusement ride or attraction shall:
- 1. Conduct a pre-opening inspection and test of the ride or attraction prior to admitting the public each day the ride or attraction is intended to be used; and
  - 2. Maintain for at least the previous twelve (12) months a signed record of the required pre-opening inspections and tests and any other pertinent information as required by the Commissioner.
- (b) The Commissioner may revoke the business identification number of any owner who fails to conduct the required pre-opening inspections and tests or to maintain the required reports.
- (6) ***All unpaid civil penalties assessed upon a person for violations of KRS 247.232 to KRS 247.236 shall remain in effect and shall permanently remain on record with the department regardless of whether the person:***
- (a) ***Operates amusement rides or attractions under his or her name, another name, an assumed name, or as a sole proprietorship;***
  - (b) ***Is employed by another person operating amusement rides individually, as a sole proprietorship, or as part of a partnership or corporation; or***
  - (c) ***Operates amusement rides or attractions as a member of a partnership or corporation.***

Signed by Governor March 12, 2013.