

302 KAR 16:070. Reports of injuries involving amusement rides and amusement attractions.

RELATES TO: KRS 247.233

STATUTORY AUTHORITY: KRS 247.233

NECESSITY, FUNCTION, AND CONFORMITY: KRS 247.233 requires amusement ride and attraction owners to submit a written report following an accident or specified incident and requires the department to conduct mandatory investigations of amusement ride and attraction accidents and incidents. This administrative regulation establishes requirements for submission of the report and when the mandatory incident investigation shall occur.

Section 1. Amusement ride or attraction owners who are required to file a written incident report shall immediately call the department to report relevant information. The required notice to the department shall be furnished within twelve (12) hours after the incident, and the written accident report within twenty-four (24) hours of notice of the incident.

Section 2. Incident Reports. A written report shall be filed by the owner of an amusement ride or amusement attraction if any of the following occurs as a result of an accident or incident involving an amusement ride or amusement attraction or equipment:

- (1) The events listed in KRS 247.233(1);
- (2) Any sudden, unplanned, non-accidental stoppage of the ride; or
- (3) Structural or major mechanical failure of an amusement ride or amusement attraction.

Section 3. Where to Report. (1) If any event specified in Section 2 of this administrative regulation occurs, the owner shall immediately report the event by telephoning the Department of Agriculture, Division of Regulation and Inspection at (502) 573-0282.

(2) If a written report is required, the report shall be submitted within twenty-four (24) hours to the Department of Agriculture, Division of Regulation and Inspection, 111 Corporate Drive, Frankfort, Kentucky 40601. The report may also be submitted via the department's Web site, <http://www.kyagr.com/consumer/ri/rides/AmusementRidesandAttractions.htm>. The written report shall contain the following information:

- (a) The date and time of the incident or accident;
- (b) The date and time the report was completed;
- (c) The location of the incident or accident;
- (d) A description of the incident or accident;
- (e) The name, address, phone number, and business identification number of the owner or company for the amusement ride or amusement attraction;
- (f) The name and address of each operator of the amusement ride or amusement attraction;
- (g) The name, serial number, and manufacturer of the amusement ride or amusement attraction, if known;
- (h) The name, address, phone number, gender, and age of the injured person, if any;
- (i) The nature and extent of the injury;
- (j) The name and location of the treating facility or person; and
- (k) The address, telephone number, and printed and signed name of the person completing the report.

Section 4. Incident Investigation. (1) The department shall initiate an incident investigation within twelve (12) hours of the initial notification of an event requiring an incident report.

(2) Pending the completion of an incident investigation, the amusement ride or amusement

attraction shall not be operated, moved, cleaned, or repaired without written approval of the department other than as necessary for life or safety. (17 Ky.R. 2302; eff. 3-13-1991; 29 Ky.R. 2338; 2666; eff. 5-15-2003; 35 Ky.R. 2136; 2422; eff. 6-5-2009; Crt eff. 1-24-2019; 45 Ky.R 3506; 46 Ky.R.431; eff. 8-22-2019.)