

GENERAL GOVERNMENT
Department of Agriculture
Office of the Consumer and Environmental Protection
(Amendment)

302 KAR 16:020. Inspection and operation of amusement rides or amusement attractions.

RELATES TO: KRS 247.232, 247.234(3), 247.236(3)

STATUTORY AUTHORITY: KRS 247.234, 247.236

NECESSITY, FUNCTION, AND CONFORMITY: KRS 247.234(3)(b) and (d) require the department to promulgate administrative regulations establishing initial safety inspection fees and safety requirements for amusement rides or attractions. KRS 247.236(3) requires the department to promulgate an administrative regulation establishing the requirements for the construction of safety barriers around an amusement ride or attraction. This administrative regulation establishes safety guidelines for the operation and inspection of amusement rides or attractions and establishes the initial safety inspection fees.

Section 1. Definitions.

- (1) "Air inflatable device" means an object that is filled with air that is supplied continuously by an electric motor-driven blower.
- (2) "Dark ride" means an amusement ride or amusement attraction enclosed and with the lights turned off during the duration of the ride, and is a nonmechanized self-propelled amusement.
- (3) "Go-cart facility" means an amusement ride or amusement attraction that carries a rider on a fixed path and includes the vehicle that travels the fixed path.
- (4) "Inspection fee" means a fee required to be paid to operate any amusement ride or amusement attraction in Kentucky.
- (5) "Kiddie ride" means an amusement ride or amusement attraction that has a height requirement of forty-two (42) inches or less to ride.
- (6) "Major ride" means any ride that:
 - (a) Has height requirement of forty-three (43) inches or greater to ride; and
 - (b) Does not have a specific fee established for it in Section 2 of this administrative regulation.
- (7) "Play port" means an object designed for use by children on which a child can swing, walk, climb, or slide, and that follows a fixed path.
- (8) "Steel roller coaster" means roller coaster of which the track portion is constructed of steel or other metal material.
- (9) "Walk through" means a fun house or glass house that is nonmechanized and self-propelled.
- (10) "Water ride" means an amusement ride or amusement attraction that uses water as a means of propulsion and includes bumper boats and water park slides that are in excess of fifteen (15) feet at the highest point of the slide.
- (11) "Wooden roller coaster" means a roller coaster of which the track portion is constructed of wood material.

Section 2.

- (1) All amusement ride and amusement attractions operating in Kentucky shall bear an initial safety inspection seal. Following and passing an initial safety inspection, an initial safety inspection seal shall be affixed to a permanent and accessible section of the amusement ride or amusement attraction.

(2) If the required initial safety inspection seal does not appear on the amusement ride or amusement attraction, operation of the amusement ride or amusement attraction shall be stopped until proof of an initial inspection is provided.

Section 3. Initial safety inspection fees, and any required re-inspection fees, shall be levied for each amusement ride and amusement attraction. The initial safety inspection fees shall be assessed as established in subsections (1) through (12) of this section.

- (1) Air inflatable devices shall be fifty (50) dollars.
- (2) Kiddie rides shall be seventy-five (75) dollars.
- (3) Play port shall be seventy-five (75) dollars.
- (4) Water rides shall be seventy-five (75) dollars.
- (5) Dark rides shall be seventy-five (75) dollars.
- (6) Walk throughs and glass houses shall be seventy-five (75) dollars.
- (7) Tracked trains shall be \$100.
- (8) Go-cart facility shall be \$125.
- (9) Major rides shall be \$150.
- (10) Steel roller coaster shall be \$200.
- (11) Wooden roller coaster shall be \$300.
- (12) Any amusement ride or amusement attraction not listed in this section shall be \$150.
- (13) Re-inspection as established in KRS 247.234(4)(a).
 - (a) Re-inspection fees shall be assessed as established in paragraph (b)1. through 12. of this subsection.
 - (b)
 1. Air inflatable devices shall be \$100.
 2. Kiddie rides shall be \$150.
 3. Play port shall be \$150.
 4. Water rides shall be \$150.
 5. Dark rides shall be \$150.
 6. Walk throughs and glass houses shall be \$150.
 7. Tracked trains shall be \$200.
 8. Go-cart facility shall be \$250.
 9. Major rides shall be \$300.
 10. Steel roller coaster shall be \$400.
 11. Wooden roller coaster shall be \$500.
 12. Any amusement ride or amusement attraction not listed in this paragraph shall be \$300.

Section 4. All new permanent amusement rides and amusement attractions shall have all required state and local permits before the initial safety inspection.

RYAN QUARLES, Commissioner of Agriculture

APPROVED BY AGENCY: June 14, 2023

FILED WITH LRC: June 14, 2023 at 3:55 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on August 22, 2023 at 11:00 a.m., at the Kentucky Department of Agriculture, 111 Corporate Drive, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through August 31, 2023.

Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Clint Quarles, Staff Attorney, Kentucky Department of Agriculture, 107 Corporate Drive, Frankfort Kentucky 40601, phone (502) 330-6360, email clint.quarles@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Clint Quarles

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This regulation creates rules for inspections and inspection fees for permit holders.

(b) The necessity of this administrative regulation:

This regulation creates rules for inspections and inspection fees for permit holders.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

The statutes charge the KDA with creating rules for inspections and the fees for inspections. This filing satisfies that charge.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

This filing makes clear for all entities what inspection fees and rules will be.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

This filing updates an inflatable definition.

(b) The necessity of the amendment to this administrative regulation:

This filing updates an inflatable definition to clarify a needed definition.

(c) How the amendment conforms to the content of the authorizing statutes:

This filing amends the current filing to clarify a needed definition.

(d) How the amendment will assist in the effective administration of the statutes:

This filing will make the regulation clearer and easier to understand.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

The KDA has 532 active companies and 4,232 active devices currently regulated.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

The permit holder will need to follow all statutes and regulations. This filing creates inspection fees.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

No changes in costs are expected with this filing. The fees remain the same.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

The permit holder will be able to lawfully operate.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:

The KDA estimates \$530,000 total annually.

(b) On a continuing basis:

The KDA estimates at least \$530,000 total annually.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

A combination of fees and the KDA general fund.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

No new fees are established in this filing.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

This filing does establish fees directly.

(9) TIERING: Is tiering applied?

No, all entities are treated the same.

FISCAL NOTE

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

The KDA.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 247.232-.236

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?

The KDA expects to receive \$110,000 annually at current participation levels.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?

The KDA expects to receive \$110,000 annually at current participation levels.

(c) How much will it cost to administer this program for the first year?

The cost to administer this regulation is approximately \$530,000.

(d) How much will it cost to administer this program for subsequent years?

The cost to administer for subsequent years is estimated to be at least \$530,000.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year?

No cost savings are anticipated for this filing.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years?

No cost savings are anticipated for this filing.

(c) How much will it cost the regulated entities for the first year?

No changes in costs are anticipated.

(d) How much will it cost the regulated entities for subsequent years?

No changes in costs are anticipated.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Cost Savings (+/-):

Expenditures (+/-):

Other Explanation:

(5) Explain whether this administrative regulation will have a major economic impact, as defined below.

"Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)] Fees will not exceed the major economic impact threshold.