

247.233 Occurrence involving amusement ride or attraction resulting in death, certain injuries, or damage affecting future safe operation -- Investigation -- Administrative violations and civil penalties.

- (1) The owner of any amusement ride or attraction shall, within twelve (12) hours, notify the Commissioner of any occurrence involving an amusement ride or attraction if the occurrence results in:
 - (a) Death;
 - (b) Injury to a person, where:
 1. The owner knows or reasonably should know that the injury was caused by the amusement ride or attraction; and
 2. The owner knows or reasonably should know that the injury required medical treatment other than first aid; or
 - (c) Damage to an amusement ride or attraction that affects the future safe operation of the ride or attraction. Reporting is not required in the case of normal wear and tear.
- (2) The Commissioner shall, after notification of an occurrence described in subsection (1) of this section, make a complete and thorough investigation of the occurrence. The report of the investigation shall be placed on file in the department and shall give in detail all facts and information available. The owner may submit results of investigations independent of the department's investigation for inclusion in the file.
- (3) No person, following an occurrence described in subsection (1) of this section, shall:
 - (a) Operate or move the amusement ride or attraction without the approval of the Commissioner, unless necessary to prevent injury to a person; or
 - (b) Remove from the premises any damaged or undamaged part of the amusement ride or attraction or attempt to repair any damaged part before the department has completed its investigation. The department shall initiate its investigation within twelve (12) hours of being notified.
- (4) The department may:
 - (a) Conduct hearings;
 - (b) Administratively subpoena and examine under oath persons whose activities are subject to KRS 247.232 to 247.236;
 - (c) Issue administrative subpoenas and examine the business records, books, and accounts of persons whose activities are subject to KRS 247.232 to 247.236; and
 - (d) Request any other information necessary to assist the department in properly performing the department's duties.
- (5) The department shall have control of any incident scene involving an amusement ride or attraction if there has been an occurrence described in subsection (1) of this section. The department shall remain in control of the scene until the department completes its investigation and releases the scene. The department shall have access within twelve (12) hours to all documents or records pertaining to the amusement

ride or attraction.

- (6) (a) The department shall promulgate administrative regulations relating to amusement rides and attractions that establish:
1. A comprehensive set of administrative violations and civil penalties not to exceed ten thousand dollars (\$10,000); and
 2. The procedure for the suspension or revocation of any business identification number, license, or other certificate issued by the department.
- (b) No owner of an amusement ride or attraction shall remove the amusement ride or attraction from the state before paying all civil penalties imposed under this subsection.

Effective: June 27, 2019

History: Amended 2019 Ky. Acts ch. 94, sec. 2, effective June 27, 2019. -- Amended 2015 Ky. Acts ch. 106, sec. 1, effective June 24, 2015. -- Created 2008 Ky. Acts ch. 116, sec. 4, effective July 15, 2008.