

247.234 Business required to register -- Fee -- Permit required to operate -- Liability insurance -- Inspections -- Injunction -- Pre-opening inspections -- Unpaid civil penalties to remain in effect and on record.

- (1) Every owner of an amusement ride or attraction business shall register the business with the department annually.
- (2) The business registration required by subsection (1) of this section shall be valid until December 31 of the calendar year in which the registration is filed and shall be issued upon payment of a registration fee, in accordance with administrative regulations promulgated by the department.
- (3)
 - (a) No amusement ride or attraction shall be operated in this state without a permit issued by the department to the owner of the amusement ride or attraction. The permit shall be kept on site during the operation of the amusement ride or attraction and viewable upon request.
 - (b) A permit shall be issued to each owner to operate the permitted amusement ride or attraction in this state. A permit fee, which shall be determined by administrative regulations promulgated by the department, shall be levied for each amusement ride or attraction permit issued.
 - (c) The registrant 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 one million dollars (\$1,000,000) 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 one million dollars (\$1,000,000). Every insurance carrier of these policies shall notify the department 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 department may require, including but not limited to written notice of each intended operating site to be received by the department 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 department by telephone.
 - (e) The department shall require an inspection of each amusement ride or attraction before it may be operated in this state. Inspections performed by department employees shall be subject to a fee based on the complexity of the amusement ride or attraction and shall not be less than ten dollars (\$10) or more than five hundred dollars (\$500). The cost of all inspections performed by department employees 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. The department shall designate persons qualified by education or experience, who are capable of determining amusement safety in accordance

with administrative regulations promulgated under KRS 247.232 to 247.236, as amusement safety inspectors. Any person who is not an employee of the department and who is designated as an amusement safety inspector shall register with the department and pay an annual registration fee, which shall be determined by administrative regulations promulgated by the department.

- (f) A Kentucky permit seal shall be affixed to every individual amusement ride or attraction, or other location as determined by the department, before it may be operated in this state.
- (4)
- (a) In addition to the inspection required in subsection (3)(e) of this section, the department may inspect amusement rides and attractions without notice at any time while operating in this state. There shall not be any charge for additional inspections in which safety violations are not found. In regard to situations in which safety violations are found, the department 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.
 - (c) Any owner who continues to operate an amusement ride or attraction after an order to cease operation has been issued shall have his or her business registration suspended and the amusement ride or attraction permit revoked, and may be subject to further penalties provided in KRS 247.233. In addition, the county attorney of each county and the department 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.
 - (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 department.
 - (b) The department may revoke the registration 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 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.

Effective: July 14, 2022

History: Amended 2022 Ky. Acts ch. 80, sec. 3, effective July 14, 2022. -- Amended 2013 Ky. Acts ch. 5, sec. 1, effective June 25, 2013. -- Amended 2008 Ky. Acts ch. 116, sec. 2, effective July 15, 2008. -- Amended 2006 Ky. Acts ch. 252, Pt. XXVI, sec. 2, effective January 1, 2007. -- Amended 2002 Ky. Acts ch. 268, sec. 2, effective July 15, 2002. -- Amended 1988 Ky. Acts ch. 151, sec. 1, effective July 15, 1988. -- Amended 1986 Ky. Acts ch. 356, sec. 2, effective April 9, 1986. -- Created 1984 Ky. Acts ch. 386, sec. 2, effective July 13, 1984.