

1 AN ACT relating to amusement parks.

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

3 ➔Section 1. KRS 247.232 is amended to read as follows:

4 As used in KRS 247.232 to 247.236:

5 (1) (a) "Amusement ride or attraction" means:

- 6 1. Any mechanized device or combination of devices which carry
7 passengers along, around, or over a fixed or restricted course for the
8 purpose of giving its passengers amusement, pleasure, thrills, or
9 excitement; or
- 10 2. Any building or structure around, over, or through which people may
11 walk, climb, slide, jump, or move that provides amusement, pleasure,
12 thrills, or excitement.

13 (b) Unless designated by administrative regulation promulgated by the
14 Commissioner, "amusement ride or attraction" does not include:

- 15 1. Coin-operated amusement devices;
- 16 2. Devices regulated by the Federal Aviation Administration, the Kentucky
17 Transportation Cabinet, or the federal railroad commission;
- 18 3. Vessels under the jurisdiction of the United States Coast Guard or the
19 Kentucky Department of Fish and Wildlife Resources;
- 20 4. Tractor pulls;
- 21 5. Auto or motorcycle events;
- 22 6. Horse shows, rodeos, and other animal shows;
- 23 7. Games and concessions; or
- 24 8. Nonmechanical playground equipment, such as swings, seesaws, slides
25 less than fifteen (15) feet in height at their highest point, rider-propelled
26 merry-go-rounds, stationary spring-mounted animal devices, and
27 physical fitness equipment.

1 The Commissioner may, by administrative regulation, designate other rides and
2 attractions that are not included in the definition of "amusement ride or attraction";

3 (2) "Owner" means any person or authorized agent of the person who owns an
4 amusement ride or attraction or, in the event the ride or attraction is leased, the
5 lessee;

6 (3) "Commissioner" means the Commissioner of the Kentucky Department of
7 Agriculture or the Commissioner's authorized representative;

8 (4) "Operator" means a person sixteen (16)~~eighteen (18)~~ years of age or older who has
9 been properly trained to operate amusement rides and attractions, has knowledge of
10 the manufacturer's recommendations for the operation of the rides and attractions,
11 and knows the safety-based limitations of the rides and attractions; **and**

12 ~~[(5) "Operator assistant" means a person sixteen (16) years of age or older whose duties
13 include but are not limited to:~~

14 ~~(a) Loading and unloading riders of amusement rides and attractions;~~

15 ~~(b) Collecting tickets;~~

16 ~~(c) Checking seatbelts, lap bars, and other restraints; and~~

17 ~~(d) Occupying the entrance or exit areas to prevent intrusion while the amusement
18 ride or attraction is in operation;~~

19 ~~— but who shall not operate an amusement ride or attraction; and]~~

20 (5)~~[(6)]~~ "ASTM Standard" means the latest standards and specifications as set forth by
21 the American Society for Testing and Materials.

22 ➔Section 2. KRS 247.233 is amended to read as follows:

23 (1) The owner of any amusement ride or attraction shall, within twelve (12) hours,
24 notify the Commissioner of any occurrence involving an amusement ride or
25 attraction if the occurrence results in:

26 (a) Death;

27 (b) Injury **to a person, where:**

1 1. The owner knows or reasonably should know that the injury was
 2 caused by the amusement ride or attraction; and

3 2. The owner knows or reasonably should know that the injury required
 4 medical treatment other than first aid~~requiring ambulance or~~
 5 ~~emergency vehicle transport to a hospital from the site, where the injury~~
 6 ~~is a result of a failure of the amusement ride or attraction]; or~~

7 (c) Damage to an amusement ride or attraction that affects the future safe
 8 operation of the ride or attraction. Reporting is not required in the case of
 9 normal wear and tear.

10 (2) The Commissioner shall, after notification of an occurrence described in subsection
 11 (1) of this section, make a complete and thorough investigation of the occurrence.
 12 The report of the investigation shall be placed on file in the department and shall
 13 give in detail all facts and information available. The owner may submit results of
 14 investigations independent of the department's investigation for inclusion in the file.

15 (3) No person, following an occurrence described in subsection (1) of this section,
 16 shall:

17 (a) Operate or move the amusement ride or attraction without the approval of the
 18 Commissioner, unless necessary to prevent injury to a person; or

19 (b) Remove from the premises any damaged or undamaged part of the amusement
 20 ride or attraction or attempt to repair any damaged part before the department
 21 has completed its investigation. The department shall initiate its investigation
 22 within twelve (12) hours of being notified.

23 (4) The department may:

24 (a) Conduct hearings;

25 (b) Administratively subpoena and examine under oath persons whose activities
 26 are subject to KRS 247.232 to 247.236;

27 (c) Issue administrative subpoenas and examine the business records, books, and

1 accounts of persons whose activities are subject to KRS 247.232 to 247.236;
2 and

3 (d) Request any other information necessary to assist the department in properly
4 performing the department's duties.

5 (5) The department shall have control of any incident scene involving an amusement
6 ride or attraction if there has been an occurrence described in subsection (1) of this
7 section. The department shall remain in control of the scene until the department
8 completes its investigation and releases the scene. The department shall have access
9 within twelve (12) hours to all documents or records pertaining to the amusement
10 ride or attraction.

11 (6) (a) The department shall promulgate administrative regulations relating to
12 amusement rides and attractions that establish:

13 1. A comprehensive set of administrative violations and civil penalties not
14 to exceed ten thousand dollars (\$10,000); and

15 2. The procedure for the suspension or revocation of any business
16 identification number, license, or other certificate issued by the
17 department.

18 (b) No owner of an amusement ride or attraction shall remove the amusement ride
19 or attraction from the state before paying all civil penalties imposed under this
20 subsection.

21 ➔Section 3. KRS 247.236 is amended to read as follows:

22 (1) Amusement rides and attractions shall not be operated at unsafe speeds or loaded
23 beyond a safe capacity in accordance with the factory specifications or, in the
24 absence of factory specifications, in accordance with administrative regulations
25 promulgated by the Commissioner.

26 (2) Amusement rides and attractions shall not be operated during periods of high wind,
27 lightning, or heavy rain.

- 1 (3) Perimeter safety barriers such as a fence or other suitable structure shall be
2 constructed around any amusement ride or attraction that is potentially hazardous to
3 bystanders, in accordance with administrative regulations promulgated by the
4 Commissioner.
- 5 (4) Amusement rides and attractions shall not be operated if the owner or operator
6 knows or should know that the operation will expose the public to an unsafe
7 condition which is likely to result in personal injury or property damage.
- 8 (5) (a) No person under the age of sixteen (16)~~eighteen (18)~~ shall operate an
9 amusement ride or attraction or operate more than one (1) ride or attraction at
10 a time. Except as provided by paragraph (c) of this subsection, an operator
11 shall be in attendance at all times while a ride or attraction is in operation.
- 12 (b) No person shall operate an amusement ride or attraction or knowingly permit
13 an operator to operate an amusement ride or attraction while under the
14 influence of alcohol or any other impairing substance.
- 15 (c) The Commissioner may, by administrative regulation, designate certain
16 amusement rides or attractions where the presence of an operator is not
17 required.
- 18 (6) The owner or~~,~~ operator~~, or operator assistant~~ may deny any person entrance to an
19 amusement ride or attraction if the owner or~~,~~ operator~~, or operator assistant~~ has
20 reason to believe the entry may jeopardize the safety of the person desiring entry,
21 other riders, or any other person.