GENERAL GOVERNMENT

Department of Agriculture

Office of the Consumer and Environmental Protection

(Amended at ARRS Committee)

302 KAR 16:010. Business registration and permit[~~Business Identification Number~~] for amusement rides or attractions.

RELATES TO: KRS 247.234

STATUTORY AUTHORITY: KRS 247.234

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 247.234(2) and ***(6)***[***~~(3)(a)~~***] require the [***~~Commissioner of the~~*** ]Department of Agriculture to promulgate administrative regulations for the process for registering a business and applying for an amusement ride or attraction permit.[~~of application for a business identification number.~~] This administrative regulation establishes the criteria for registering a business and obtaining a permit[~~business identification number~~] to operate an amusement ride or attraction.

Section 1. Definition. "Permit"[~~"Business identification number"~~] means a number identifying [~~the individual or business entity owner of an amusement ride or amusement attraction and~~ ]the specific ride or attraction to which it is assigned.

Section 2. A permit[~~unique business identification number~~] shall be required to operate each applicable amusement ride or amusement attraction in this state, and shall be valid for ***the remainder of the calendar***[***~~one (1)~~***] year from the date of issuance[***~~, in accordance with KRS 247.234(3)(a)(2)~~***]. A permit[~~business identification number~~] shall not be transferred or assigned.

Section 3. Procedure for Registering a Business. Every owner of an amusement ride or attraction seeking to operate in Kentucky shall submit:

(1) ***An Amusement Ride and Attraction***[***~~A~~***] Business Registration ***Form***[***~~Application~~***]; and

(2) A Business Registration Fee of fifty (50) dollars.

Section 4.[~~Section 3.~~] Procedure for Obtaining a Permit[~~business identification number~~].

(1) Every owner of an amusement ride or [~~amusement~~] attraction seeking to operate in Kentucky shall submit [~~a business identification number~~]:

(a) ***An Amusement Ride and Attraction***[***~~A~~***] Permit Application ***Form*** for rides and attractions;[~~along with~~]

(b) A permit fee of five (5) dollars for each ride or device; and

(c) The fee for each required initial safety inspection required by 302 KAR 16:020.

(2)

(a) The owner of the amusement ride or [***~~amusement~~*** ]attraction shall provide a written itinerary indicating:

1. The location of the first setup;

2. All future operating dates and locations, including addresses;

3. The operating period at each location;

4. The names of all rides requiring initial safety inspections pursuant to KRS 247.234(3)***(e)***[***~~(b)~~***]; and

5. All rides or attractions being operated at each location.

(b) The itinerary shall be ***submitted***[***~~delivered~~***] to the department at least fourteen (14) days prior to the first scheduled setup and shall be updated in writing immediately if cancellations are made or additional locations added.

(c) The itinerary shall be submitted***:***

***1.*** ***Via the online portal at https://kyagr-apps.com/AgExternal/Security/Account/Login; or***

***2.*** In writing***,*** including by facsimile or electronic mail***, by using:***

***a.*** ***The Itinerary Mobile Operators form; or***

***b.*** ***The Itinerary Permanent Fixed Locations form***.

(3) Except as established in subsection (4) of this section, the applicant shall provide proof of liability insurance in the amount of at least $1,000,00[~~$500,000~~] per occurrence for bodily injury or death, for each amusement ride or amusement attraction.

(a) The proof of insurance shall include a statement that the insurer shall not cancel the policy without at least thirty (30) days written notice to the ***department***[***~~commissioner~~***].

(b) Proof of insurance shall be either the policy or a certified statement issued by the insurer and shall include:

1. A listing of all amusement rides and amusement attractions insured; or

2. A statement that all amusement rides and amusement attractions operated under the supervision of the insured are covered in the policy.

(4) If the applicant's amusement rides or amusement attractions are permanently located or erected, the applicant may, instead of providing proof of liability insurance, provide proof of financial responsibility in at least the amount of $1,000,000[~~$500,000~~] on or before the date of the initial safety inspection. Proof of financial responsibility shall be shown by:

(a) Proof of liability insurance of at least $1,000,000[~~$500,000~~] per occurrence for bodily injury or death;

(b) A financial statement, certified by a licensed certified public accountant, dated no more than thirty (30) days prior to the application date, indicating a net worth of at least $1,000,000[~~$500,000~~] or more in assets located in the state; or

(c) An irrevocable letter of credit to the department in the amount of at least $1,000,000[~~$500,000~~].

Section 5.[~~Section 4.~~] Upon receipt of a complete application, applicable fees, proof of liability insurance or financial responsibility, and a complete itinerary, a permit[~~business identification number~~] shall be issued to[~~in the name of~~] the applicant.

[~~(1)~~] If all items required by this section are not physically available to the inspector when the initial safety inspection takes place, the inspector shall not perform the initial safety inspection and a permit[~~business identification number~~] shall not be issued.

[~~(2)~~] [~~The business identification number certificate shall be available for inspection at all times.~~]

[~~(3)~~] [~~If the business identification number holder is operating in multiple locations, a clear and legible copy of the business identification number shall be displayed.~~]

Section 6.[~~Section 5.~~] Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "***Amusement Ride and Attraction*** Business Registration Form", 6/23;

(b) "Amusement Ride and Attraction Permit[~~Business Identification Number~~] Application ***Form***[~~for Rides and Attractions~~]", 6/23[~~08/08~~];

(c)[~~(b)~~] "Itinerary Mobile Operators", 03/03; and

(d)[~~(c)~~] "Itinerary Permanent Fixed Locations", 03/03.

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