

GENERAL GOVERNMENT
Department of Agriculture
Office of the Commissioner
(New Administrative Regulation)

302 KAR 16:150. Qualification and registration of persons designated to perform amusement safety inspections.

RELATES TO: KRS 247.234

STATUTORY AUTHORITY: KRS 247.234

NECESSITY, FUNCTION, AND CONFORMITY: KRS 247.234 (3)(e) requires the Department of Agriculture to promulgate administrative regulations for designating 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. The Department of Agriculture shall establish an annual registration fee for persons designated as amusement safety inspectors.

Section 1. Education or experience requirements for persons designated as amusement safety inspectors.

(1) Persons employed by the department shall possess the following education or experience to be designated as amusement safety inspectors:

(a) NAARSO Certificate Level I;

(b) AIMS International Level I Certification, Associate Ride Inspector; or

(c) No education or experience, if the department employee is in training or the inspection performed is supervised by a department employee holding a level of education or experience listed in parts (a) or (b) of this subsection.

(2) Persons working under a contract with the department to provide amusement inspection services to the department shall possess the following education or experience to be designated as amusement safety inspectors:

(a) NAARSO Certificate Level I; or

(b) AIMS International Level I Certification, Associate Ride Inspector.

(3) Regardless of their level of education or experience, persons other than those employed by the department or providing amusement inspection services to the department under contract shall not be designated by the department as amusement safety inspectors for any purpose contained in KRS 247.232 to 247.236 and any administrative regulation pertaining to those sections.

Section 2. Any person who is designated as an amusement safety inspector, not employed by the KDA, shall register with the department and pay an annual registration fee in the following manner: Persons designated as amusement safety inspectors shall:

(1) Provide proof of education and experience required to be designated as an amusement safety inspector;

(2) Provide proof of current insurance coverage during the designation period as follows:

(a) Current and general liability coverage in an amount of not less than \$1,000,000 per occurrence and \$2,000,000 general aggregate; and

(b) Current professional liability coverage, including errors and omissions, in an amount of not less than \$1,000,000; and

(3) Pay a registration fee of \$100.

Section 3. Incorporation by Reference.

(1) The following material is incorporated by reference: "Amusement Safety Inspector Registration Form ", 11/23.

- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Agriculture, Division of Regulation and Inspection, 107 Corporate Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.
- (3) This material may also be obtained at www.kyagr.com.

DR. RYAN QUARLES, Commissioner

APPROVED BY AGENCY: November 14, 2023

FILED WITH LRC: November 15, 2023 at 11:40 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on January 23, 2024 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 January 31, 2024. 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.