



STATE OF KANSAS  
OFFICE OF THE ATTORNEY GENERAL

**DEREK SCHMIDT**  
ATTORNEY GENERAL

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June 23, 2017

Bradley R. Burke  
Deputy Secretary and Chief Attorney  
Kansas Department of Labor  
401 Topeka Boulevard  
Topeka, Kansas 66603-3182

RE: **K.A.R. 49-55-1, 49-55-2, 49-55-3, 49-55-4, 49-55-5, 49-55-6, 49-55-8, 49-55-11,  
49-55-12 and 49-55-13**

Dear Mr. Burke:

Pursuant to K.S.A. Supp. 2016 77-420(b), we have reviewed both the temporary and permanent regulations referenced above and have approved them for legality. The double-stamped originals are enclosed. Please let me know if you have any questions.

Sincerely,

OFFICE OF THE ATTORNEY GENERAL  
DEREK SCHMIDT

  
Athena E. Andaya  
Deputy Attorney General

AEA:sb  
Enclosures

cc: Rep. Ron Highland, Chair, JCARR, State Capitol, Room 561-W  
Sen. Vicki Schmidt, Vice Chair, JCARR, State Capitol, Room 441-E  
Rep. John Carmichael, Ranking Minority Member, JCARR, State Capitol,  
Room 451-S  
Raney Gilliland, Kansas Legislative Research Dept., State Capitol, Room 68-W  
Natalie Scott, Office of the Revisor of Statutes, State Capitol, Room 24-E

**K.A.R. 49-55-1. Applicability.** Unless exempted by the act, this article of the department's regulations shall apply to all permanent-amusement rides, as defined in K.S.A. 2016 Supp. 44-1601 and amendments thereto, and temporary-amusement rides within the state.

This regulation shall become effective on July 1, 2017. (Authorized by and implementing L. 2009, ch. 71, sec. 3 K.S.A. 2016 Supp. 44-1614, as amended by 2017 H Sub for SB 86, sec. 13; effective May 28, 2010; amended, T-\_\_\_\_\_ , \_\_\_\_\_.)

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**K.A.R. 49-55-2. Definitions.** (a) "Act" means the Kansas amusement ride act and amendments thereto.

(b) "Amusement ride records" means the following:

(1) The current certification of an inspector's qualifications to inspect amusement rides;

(2) the current certificate of inspection signed by a qualified inspector;

(3) ~~the current maintenance and inspection records;~~

(4) the current results of nondestructive testing;

~~(5) (4) each amusement ride manufacturer's operational manual;~~

~~(6) (5) each amusement ride manufacturer's nondestructive testing recommendations; and~~

~~(7) (6) each amusement ride manufacturer's inspection guidelines; and~~

(7) the records required to be maintained in accordance with K.S.A. 2016 Supp. 44-1603, and amendments thereto.

(c) "Permanent amusement ride" means an amusement ride, as defined in K.S.A. 2016 Supp. 44-1601 and amendments thereto, that ~~the owner is~~ permanently affixed to the real estate where the amusement ride is operated. A permanent amusement ride is not capable of being transported from one location to another without significant physical alteration of the location and the amusement ride.

(d) ~~"Self-inspection," within the act and these regulations, means that the operator or owner of an amusement ride causes the inspection of the amusement ride by a qualified inspector without using the services of a third-party inspector.~~ "Reasonable period of time to comply with the provisions of K.S.A. 2016 Supp. 44-1601 et seq., and amendments thereto, and K.S.A. 40-4801 et seq., and amendments thereto" means 30 days after publication of the regulations adopted by the secretary pursuant to K.S.A. 2016 Supp. 44-1614(b), and amendments thereto.

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(e) "Temporary amusement ride" means an amusement ride, as defined in K.S.A. 2016 Supp. 44-1601 and amendments thereto, that ~~the owner can move~~ is movable from location to location without significant physical alteration of the location and the amusement ride. ~~A temporary amusement ride has wheels affixed or can be transported on a trailer or other moving apparatus.~~

This regulation shall become effective on July 1, 2017. (Authorized by and implementing L. 2009, ch. 71, sec. 3 K.S.A. 2016 Supp. 44-1614, as amended by 2017 H Sub for SB 86, sec. 13; effective May 28, 2010; amended, T- \_\_\_\_\_, \_\_\_\_\_.)

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**K.A.R. 49-55-3.** This regulation shall be revoked on and after July 1, 2017. (Authorized by K.S.A. 2009 Supp. 44-1614; implementing K.S.A. 2009 Supp. 44-1602; effective May 28, 2010; revoked, T- \_\_\_\_\_, \_\_\_\_\_.)

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**K.A.R. 49-55-4. ~~Inspection certification~~ Permit application; certificate of inspection.** Each individual performing any inspections shall possess a NAARSO level one, or higher, ~~certification application for a permit shall include the following:~~

(a) The name of the owner and operator of the amusement ride;

(b) the location of the amusement ride or the location where the amusement ride is stored when not in use;

(c) proof of insurance;

(d) certification that the amusement ride meets the applicable standards of the American society for testing and materials (ASTM) international F24 committee; and

(e) a copy of a valid certificate of inspection for that amusement ride. Each certificate of inspection shall provide an expiration date.

This regulation shall become effective on July 1, 2017. (Authorized by L. 2009, ch. 71, sec. 3 K.S.A. 2016 Supp. 44-1614, as amended by 2017 H Sub for SB 86, sec. 13; implementing K.S.A. 20082016 Supp. 44-1602, as amended by 2017 H Sub for SB 86, sec. 7, and 2017 H Sub for SB 86, sec. 1; effective May 28, 2010; amended, T-\_\_\_\_\_, \_\_\_\_\_.)

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**K.A.R. 49-55-5.** This regulation shall be revoked on and after July 1, 2017. (Authorized by L. 2009, ch. 71, sec. 3 and K.S.A. 2008 Supp. 44-1602; implementing K.S.A. 2008 Supp. 44-1604; effective May 28, 2010; revoked, T- \_\_\_\_\_, \_\_\_\_\_.)

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**K.A.R. 49-55-6. Record retention.** The owner of each amusement ride shall retain all amusement ride records as specified in ~~K.A.R. 49-55-2(b)~~ for a period of ~~one year~~ three years, which shall be grouped according to amusement ride. The owner shall retain all amusement ride records at the location of the amusement ride's operation. The records shall be accessible upon request by the department and in accordance with K.S.A. 2016 Supp. 44-1603 and amendments thereto, each person who contracts with the owner for the amusement ride's operation, and each operator.

This regulation shall become effective on July 1, 2017. (Authorized by ~~L. 2009~~, ch. 71, sec. 3 K.S.A. 2016 Supp. 44-1614, as amended by 2017 H Sub for SB 86, sec. 13; implementing ~~K.S.A. 2008 Supp. 44-1602~~, K.S.A. 2008 2016 Supp. 44-1603, as amended by 2017 H Sub for SB 86, sec. 8, and ~~K.S.A. 2008 2016 Supp. 44-1605~~; effective May 28, 2010; amended, T-  
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**K.A.R. 49-55-8. Procedure for selection of an amusement ride for records compliance**

**audit.** (a) Amusement rides shall be randomly selected each quarter by the department for records compliance audit by location. ~~A permanent amusement ride shall not be subject to more than two records audits during the six-month period from the date of the last records audit. A temporary amusement ride shall not be subject to more than one records audit at the same location.~~ Random selection for compliance audit shall include selecting amusement rides from a list of amusement rides that have been issued a valid permit by the department and amusement rides that are identified on location reports submitted to the department in accordance with K.A.R. 49-55-10.

(b) A compliance audit may also be conducted for amusement rides that are determined to be in need of a compliance audit by the secretary or the secretary's designee.

This regulation shall become effective on July 1, 2017. (Authorized by L. 2009, ch. 71, sec. 3; K.S.A. 2016 Supp. 44-1614, as amended by 2017 H Sub for SB 86, sec. 13; implementing K.S.A. 2008 2016 Supp. 44-1602, as amended by 2017 H Sub for SB 86, sec. 7; effective May 28, 2010; amended, T- \_\_\_\_\_, \_\_\_\_\_.)

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**K.A.R. 49-55-11. Submitting reports and other documents; notification of death. (a)**

Except as provided in subsection (b), each report and any other document required by these regulations or the act shall be submitted to the department's director of industrial safety and health by mail, facsimile, hand delivery, or electronic mail.

(b) For each serious injury that results in the death of a patron, notification by the owner shall be made initially by telephone, with a written notification sent within 24 hours after the initial notification.

This regulation shall become effective on July 1, 2017. (Authorized by and implementing L. 2009, ch. 71, sec. 3K.S.A. 2016 Supp. 44-1614, as amended by 2017 H Sub for SB 86, sec. 13; effective May 28, 2010; amended, T- \_\_\_\_\_, \_\_\_\_\_.)

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**K.A.R. 49-55-12. Violations; reporting violations to the attorney general, county attorney, or district attorney.** (a) ~~For the first violation by an owner of any provision of the act or these regulations, a written warning citation shall be issued by the department to the owner.~~ Each citation notice of violation issued by the department for a violation of the act or these regulations shall specify the following:

- (1) The nature of the violation;
- (2) the facts supporting the determination that a violation took place; and
- (3) specification of the action that the owner shall take to comply with the act or these regulations.

(b) ~~If the owner fails to take the corrective action specified in the citation, the owner's~~ Each notice of violation shall be reported by the department to the ~~applicable authority for criminal prosecution~~ attorney general, county attorney, or district attorney.

This regulation shall become effective on July 1, 2017. (Authorized by ~~L. 2009, ch. 71, sec. 3~~ K.S.A. 2016 Supp. 44-1614, as amended by 2017 H Sub for SB 86, sec. 13; implementing K.S.A. 2008 Supp. 44-1602 2016 Supp. 44-1610, as amended by 2017 H Sub for SB 86, sec. 11, and K.S.A. 2016 Supp. 44-1611; effective May 28, 2010; amended, T-\_\_\_\_\_, \_\_\_\_\_.)

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**K.A.R. 49-55-13. Nationally recognized organizations that issue certificates or other evidence of qualification to inspect amusement rides.** The nationally recognized organizations that issue certifications or other evidence of qualification to inspect amusement rides and that require education, experience, and training at least equivalent to that required for a level II certification from NAARSO as of July 1, 2017, shall include the following:

(a) The national association of amusement ride safety officials (NAARSO), for level II certification;

(b) the amusement industry manufacturers and suppliers international (AIMS), for level II certification;

(c) the association for challenge course technology (ACCT), for qualified inspector certification; and

(d) Pennsylvania department of agriculture, for general qualified inspector status.

This regulation shall become effective on July 1, 2017. (Authorized by and implementing K.S.A. 2016 Supp. 44-1614, as amended by 2017 H Sub for SB 86, sec. 13; effective, T-  
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\_\_\_\_\_; amended P- \_\_\_\_\_.)

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(2) the current certificate of inspection signed by a qualified inspector;

(3) ~~the current maintenance and inspection records;~~

(4) the current results of nondestructive testing;

(5) ~~(4)~~ each amusement ride manufacturer's operational manual;

(6) ~~(5)~~ each amusement ride manufacturer's nondestructive testing recommendations; and

(7) ~~(6)~~ each amusement ride manufacturer's inspection guidelines; and

(7) the records required to be maintained in accordance with K.S.A. 2016 Supp. 44-1603, and amendments thereto.

(c) "Permanent amusement ride" means an amusement ride, as defined in K.S.A. 2016 Supp. 44-1601 and amendments thereto, that ~~the owner is~~ permanently affixed to the real estate where the amusement ride is operated. A permanent amusement ride is not capable of being transported from one location to another without significant physical alteration of the location and the amusement ride.

(d) ~~"Self-inspection," within the act and these regulations, means that the operator or owner of an amusement ride causes the inspection of the amusement ride by a qualified inspector without using the services of a third party inspector.~~ "Reasonable period of time to comply with the provisions of K.S.A. 2016 Supp. 44-1601 et seq., and amendments thereto, and K.S.A. 40-4801 et seq., and amendments thereto" means 30 days after publication of the regulations adopted by the secretary pursuant to K.S.A. 2016 Supp. 44-1614(b), and amendments thereto.

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(e) "Temporary amusement ride" means an amusement ride, as defined in K.S.A. 2016 Supp. 44-1601 and amendments thereto, that ~~the owner can move~~ is movable from location to location without significant physical alteration of the location and the amusement ride. ~~A temporary amusement ride has wheels affixed or can be transported on a trailer or other moving apparatus.~~ (Authorized by and implementing ~~L. 2009, ch. 71, sec. 3~~ K.S.A. 2016 Supp. 44-1614, as amended by 2017 H Sub for SB 86, sec. 13; effective May 28, 2010; amended, T-  
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**K.A.R. 49-55-3.** (Authorized by K.S.A. 2009 Supp. 44-1614; implementing K.S.A. 2009 Supp. 44-1602; effective May 28, 2010; revoked, T- \_\_\_\_\_, \_\_\_\_\_; revoked P- \_\_\_\_\_.)

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**K.A.R. 49-55-5.** (Authorized by L. 2009, ch. 71, sec. 3 and K.S.A. 2008 Supp. 44-1602;  
implementing K.S.A. 2008 Supp. 44-1604; effective May 28, 2010; revoked, T-  
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(b) A compliance audit may also be conducted for amusement rides that are determined to be in need of a compliance audit by the secretary or the secretary's designee. (Authorized by L. 2009, ch. 71, sec. 3; K.S.A. 2016 Supp. 44-1614, as amended by 2017 H Sub for SB 86, sec. 13; implementing K.S.A. 2008 2016 Supp. 44-1602, as amended by 2017 H Sub for SB 86, sec. 7; effective May 28, 2010; amended, T- \_\_\_\_\_, \_\_\_\_\_; amended P- \_\_\_\_\_.)

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Except as provided in subsection (b), each report and any other document required by these regulations or the act shall be submitted to the department's director of industrial safety and health by mail, facsimile, hand delivery, or electronic mail.

(b) For each serious injury that results in the death of a patron, notification by the owner shall be made initially by telephone, with a written notification sent within 24 hours after the initial notification. (Authorized by and implementing ~~L. 2009, ch. 71, sec. 3~~ K.S.A. 2016 Supp. 44-1614, as amended by 2017 H Sub for SB 86, sec. 13; effective May 28, 2010; amended, T-\_\_\_\_\_, \_\_\_\_\_; amended P-\_\_\_\_\_.)

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- (1) The nature of the violation;
- (2) the facts supporting the determination that a violation took place; and
- (3) specification of the action that the owner shall take to comply with the act or these regulations.

(b) ~~If the owner fails to take the corrective action specified in the citation, the owner's~~ Each notice of violation shall be reported by the department to the applicable authority for criminal prosecution—attorney general, county attorney, or district attorney. (Authorized by ~~L. 2009, ch. 71, sec. 3~~ K.S.A. 2016 Supp. 44-1614, as amended by 2017 H Sub for SB 86, sec. 13; implementing K.S.A. 2008 Supp. 44-1602 2016 Supp. 44-1610, as amended by 2017 H Sub for SB 86, sec. 11, and K.S.A. 2016 Supp. 44-1611; effective May 28, 2010; amended, T-\_\_\_\_\_ , \_\_\_\_\_ ; amended P-\_\_\_\_\_ .)

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**K.A.R. 49-55-13. Nationally recognized organizations that issue certificates or other evidence of qualification to inspect amusement rides.** The nationally recognized organizations that issue certifications or other evidence of qualification to inspect amusement rides and that require education, experience, and training at least equivalent to that required for a level II certification from NAARSO as of July 1, 2017, shall include the following:

- (a) The national association of amusement ride safety officials (NAARSO), for level II certification;
- (b) the amusement industry manufacturers and suppliers international (AIMS), for level II certification;
- (c) the association for challenge course technology (ACCT), for qualified inspector certification; and
- (d) Pennsylvania department of agriculture, for general qualified inspector status.

(Authorized by and implementing K.S.A. 2016 Supp. 44-1614, as amended by 2017 H Sub for SB 86, sec. 13; effective, T-\_\_\_\_\_, \_\_\_\_\_; effective P-\_\_\_\_\_.)

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