GENERAL ASSEMBLY
COMMONWEALTH OF KENTUCKY

2015 REGULAR SESSION

HOUSE BILL NO. 525

AS ENACTED

TUESDAY, MARCH 24, 2015

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ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY K. Adler

1 AN ACT relating to regulating risk.

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

3 ➔Section 1. KRS 247.233 is amended to read as follows:

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

7 (a) Death;

8 (b) Injury requiring ***ambulance or emergency vehicle transport to a hospital***
9 ***from the site, where the injury is a result of a failure of the amusement ride***
10 ***or attraction***[~~medical treatment other than first aid~~]; or

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

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

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

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

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

27 (4) The department may:

1 (a) Conduct hearings;
2 (b) Administratively subpoena and examine under oath persons whose activities
3 are subject to KRS 247.232 to 247.236;
4 (c) Issue administrative subpoenas and examine the business records, books, and
5 accounts of persons whose activities are subject to KRS 247.232 to 247.236;
6 and
7 (d) Request any other information necessary to assist the department in properly
8 performing the department's duties.
9 (5) The department shall have control of any incident scene involving an amusement
10 ride or attraction if there has been an occurrence described in subsection (1) of this
11 section. The department shall remain in control of the scene until the department
12 completes its investigation and releases the scene. The department shall have access
13 within twelve (12) hours to all documents or records pertaining to the amusement
14 ride or attraction.
15 (6) (a) The department shall promulgate administrative regulations relating to
16 amusement rides and attractions that establish:
17 1. A comprehensive set of administrative violations and civil penalties not
18 to exceed ten thousand dollars ($10,000); and
19 2. The procedure for the suspension or revocation of any business
20 identification number, license, or other certificate issued by the
21 department.
22 (b) No owner of an amusement ride or attraction shall remove the amusement ride
23 or attraction from the state before paying all civil penalties imposed under this
24 subsection.
25 ➔Section 2. KRS 160.310 as amended by HB 117/EN of the 2015 Regular
26 Session, if that bill becomes law, is further amended to read as follows:
27 [~~(1)~~] Each board of education may set aside funds to provide for liability and indemnity

1 insurance against the negligence of the drivers or operators of school buses, other
2 motor vehicles, and mobile equipment owned or operated by the board. If the
3 transportation of pupils is let out under contract, the contract shall require the
4 contractor to carry indemnity or liability insurance against negligence in such
5 amount as the board designates. In either case, the indemnity bond or insurance
6 policy shall be issued by some surety or insurance company authorized to transact
7 business in this state, and shall bind the company to pay any final judgment, not to
8 exceed the limits of the policy, rendered against the insured for loss or damage to
9 property of any school child or death or injury of any school child or other person[~~;~~
10 ~~and~~
11 ~~(2) Each board of education may set aside funds to provide for basic reparation benefits~~
12 ~~and purchase such limits as the board of education shall direct, but shall only be~~
13 ~~required to purchase such basic reparation benefits as defined in KRS 304.39-020~~
14 ~~and as provided in KRS 304.39-010 to 304.39-080~~].
15 ➔Section 3. KRS 238.505 as amended by SB 33/EN of the 2015 Regular Session,
16 if that bill becomes law, is further amended to read as follows:
17 As used in this chapter, unless the context requires otherwise:
18 (1) "Department" means the Department of Charitable Gaming within the Public
19 Protection Cabinet;
20 (2) "Charitable gaming" means bingo, charity game tickets, raffles, and charity
21 fundraising events conducted for fundraising purposes by charitable organizations
22 licensed and regulated under the provisions of this chapter. "Charitable gaming"
23 shall not include slot machines, electronic video gaming devices, wagering on live
24 sporting events, or simulcast broadcasts of horse races;
25 (3) "Charitable organization" means a nonprofit entity organized for charitable,
26 religious, educational, literary, civic, fraternal, or patriotic purposes;
27 (4) "Bingo" means a specific game of chance in which participants use cards or paper

1 sheets, or card-minding device representations thereof, divided into horizontal and
2 vertical spaces, each of which is designated by a letter and a number, and prizes are
3 awarded on the basis of the letters and numbers on the card conforming to a
4 predetermined and preannounced configuration of letters and numbers selected at
5 random;
6 (5) "Charity game ticket" means a game of chance using a folded or banded paper
7 ticket, or a paper card with perforated break-open tabs, the face of which is covered
8 or otherwise hidden from view to conceal a number, letter, symbol, or set of
9 numbers, letters, or symbols, some of which have been designated in advance as
10 prize winners and shall include charity game tickets that utilize a seal card. "Charity
11 game ticket" shall include pulltabs;
12 (6) "Seal card" means a board or placard used in conjunction with charity game tickets,
13 that contains a seal or seals which, when removed or opened, reveal predesignated
14 winning numbers, letters, or symbols;
15 (7) "Raffle" means a game of chance in which a participant is required to purchase a
16 ticket for a chance to win a prize, with the winner to be determined by a random
17 drawing;
18 (8) "Charity fundraising event" means an activity of limited duration at which games of
19 chance approved by the department are conducted, including bingo, raffles, charity
20 game tickets, special limited charitable games, and wagering on prerecorded horse
21 races, KRS Chapter 230 notwithstanding. Examples of such activities include
22 events that attract patrons for community, social, and entertainment purposes apart
23 from charitable gaming, such as fairs, festivals, carnivals, licensed charitable
24 gaming organization conventions, and bazaars;
25 (9) "Manufacturer" means a person who assembles from raw materials or subparts any
26 charitable gaming equipment or supplies used in the conduct of charitable gaming,
27 including a person who converts, modifies, and adds to or removes parts from,

1 charitable gaming equipment and supplies. The term shall not include:
2 (a) Any person who services or repairs charitable gaming supplies and equipment,
3 so long as that person replaces or repairs an incidental, malfunctioning, or
4 nonfunctioning part with a similar or identical part; and
5 (b) Any distributor who cuts, collates, and packages for distribution any gaming
6 supplies and equipment purchased in bulk;
7 (10) "Distributor" means a person who sells, markets, leases, or otherwise furnishes to a
8 charitable organization charitable gaming equipment or supplies, or both, used in
9 the conduct of charitable gaming. "Distributor" shall not include:
10 (a) A resident printer who prints raffle tickets at the request of a licensed
11 charitable organization; and
12 (b) A licensed charitable organization that affects a one-time donation of
13 charitable gaming supplies or equipment to another licensed charitable
14 organization if the donation is first approved by the department.
15 (11) "Charitable gaming facility" means a person, including a licensed charitable
16 organization, that owns or is a lessee of premises which are leased or otherwise
17 made available to two (2) or more licensed charitable organizations during a one (1)
18 year period for the conduct of charitable gaming;
19 (12) "Gross receipts" means all moneys collected or received from the conduct of
20 charitable gaming;
21 (13) "Adjusted gross receipts" means gross receipts less all cash prizes and the amount
22 paid for merchandise prizes purchased;
23 (14) "Net receipts" means adjusted gross receipts less all expenses, charges, fees, and
24 deductions authorized under this chapter;
25 (15) "Charitable gaming supplies and equipment" means any material, device, apparatus,
26 or paraphernalia customarily used in the conduct of charitable gaming, including
27 bingo cards and paper, charity game tickets, and other apparatus or paraphernalia

1 used in conducting games of chance at charity fundraising events subject to
2 regulation under this chapter. The term shall not include any material, device,
3 apparatus, or paraphernalia incidental to the game, such as pencils, daubers, playing
4 cards, or other supplies that may be purchased from normal sources of supply;
5 (16) "Door prize" means a prize awarded to a person based solely upon the person's
6 attendance at an event or the purchase of a ticket to attend an event;
7 (17) "Special limited charitable game" means roulette; blackjack; poker; keno; money
8 wheel; baccarat; pusher-type games; any dice game where the player competes
9 against the house; and any other game of chance as identified, defined, and
10 approved by administrative regulation of the department;
11 (18) "Special limited charity fundraising event" means any type of charity fundraising
12 event, commonly known as and operated as a "casino night," "Las Vegas night," or
13 "Monte Carlo night," at which the predominant number or types of games offered
14 for play are special limited charitable games;
15 (19) "Session or bingo session" means a single gathering at which a bingo game or series
16 of successive bingo games are played, excluding bingo played at a charity
17 fundraising event;
18 (20) "Immediate family" means:
19 (a) Spouse and parents-in-law;
20 (b) Parents and grandparents;
21 (c) Children and their spouses; and
22 (d) Siblings and their spouses;
23 (21) "Affiliate" means any corporation, partnership, association, or other business or
24 professional entity or any natural person that directly or indirectly, through one or
25 more intermediaries, controls, or is controlled by, or is under common control with
26 a licensed manufacturer, distributor, or charitable gaming facility;
27 (22) "Secretary" means the secretary of the Public Protection Cabinet;

1 (23) "Commissioner" means the commissioner of the Department of Charitable Gaming
2 within the Public Protection Cabinet;
3 (24) "Chairperson" means the chief executive officer and any officer, member, or
4 employee of a licensed charitable organization who will be involved in the
5 management and supervision of charitable gaming as designated in the
6 organization's charitable gaming license application under KRS 238.535(9)(g);
7 (25) "Year" means calendar year except as used in KRS 238.545(4), 238.547(1), and
8 238.555(7), when "year" means the licensee's license year; and
9 (26) "Card-minding device" means any mechanical, electronic, electromechanical, or
10 computerized device that is interfaced with or connected to equipment used to
11 conduct a game of bingo and that allows a player to store, display, and mark a bingo
12 card face. A card-minding device shall not be designed and manufactured to
13 resemble any electronic gaming device that utilizes a video display monitor, such as
14 a video lottery terminal, video slot machine, video poker machine, or any similar
15 video gaming device;
16 (27) "Electronic pulltab device" means an electronic device used only for charitable
17 gaming to facilitate the play of an electronic pulltab. An electronic pulltab device
18 shall be a tablet or other personal computing device, other than a mobile phone or
19 similar handheld device, as approved by the department. An electronic pulltab
20 device may only operate on a closed network or intranet that is confined to the
21 licensee's premises, and shall not be Internet accessible by patrons, but shall be
22 connected to a central server system solely for the purposes of monitoring,
23 reporting, accounting, and software maintenance. An electronic pulltab device shall
24 not be designed and manufactured to resemble any electronic gaming device that
25 utilizes a video display monitor, such as a video lottery terminal, video slot
26 machine, video poker machine, or any similar video gaming device; and
27 (28) "Electronic video gaming device," as used in this chapter and the related

1 administrative regulations, means any device that possesses a video display and
2 computer mechanism for playing a game. Electronic video gaming device shall not
3 mean any electronic representation of charitable gaming games identified, defined,
4 and approved by statute ~~[or]~~***and by*** administrative regulation of the department.

Speaker-House of Representatives

President of Senate

Attest: Chief Clerk of House of Representatives

Approved Governor

Date 4-1-15