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TRAMPOLINE PARK SAFETY STANDARDS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Norman K. Thurston

Senate Sponsor: _____

LONG TITLE

General Description:

This bill enacts licensing and operational standards for trampoline parks.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires the operator of a trampoline park to obtain a business license to operate the trampoline park;
- ▶ provides for a local regulating authority to suspend or revoke a trampoline park operator's business license for noncompliance;
- ▶ identifies industry standards with which a trampoline park must comply;
- ▶ describes specific notification, training, supervision, injury reporting, and emergency response standards with which a trampoline park must comply;
- ▶ requires an annual inspection;
- ▶ requires a trampoline park operator to annually provide a local regulating authority certain certificates of compliance;
- ▶ requires a trampoline park to carry certain insurance; and
- ▶ insulates a trampoline park from liability claims due to certain inherent risks related to the use of a trampoline park.

Money Appropriated in this Bill:

None



28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 ENACTS:

- 32 **11-63-101**, Utah Code Annotated 1953
- 33 **11-63-102**, Utah Code Annotated 1953
- 34 **11-63-103**, Utah Code Annotated 1953
- 35 **11-63-201**, Utah Code Annotated 1953
- 36 **11-63-202**, Utah Code Annotated 1953
- 37 **11-63-301**, Utah Code Annotated 1953
- 38 **11-63-302**, Utah Code Annotated 1953
- 39 **11-63-303**, Utah Code Annotated 1953
- 40 **11-63-304**, Utah Code Annotated 1953
- 41 **11-63-305**, Utah Code Annotated 1953
- 42 **11-63-401**, Utah Code Annotated 1953
- 43 **11-63-402**, Utah Code Annotated 1953
- 44 **11-63-501**, Utah Code Annotated 1953
- 45 **11-63-502**, Utah Code Annotated 1953

46

47 *Be it enacted by the Legislature of the state of Utah:*

48 Section 1. Section **11-63-101** is enacted to read:

49 **CHAPTER 63. TRAMPOLINE PARK SAFETY**

50 **Part 1. General Provisions**

51 **11-63-101. Title.**

52 This chapter shall be known as "Trampoline Park Safety."

53 Section 2. Section **11-63-102** is enacted to read:

54 **11-63-102. Definitions.**

55 As used in this chapter:

56 (1) "Commercial trampoline" means a device that:

57 (a) incorporates a trampoline bed; and

58 (b) is used for recreational jumping, springing, bouncing, acrobatics, or gymnastics in a

59 trampoline park.

60 (2) "Emergency response plan" means a written plan of action for the reasonable and
61 appropriate contact, deployment, and coordination of services, agencies, and personnel to
62 provide the earliest possible response to an injury or emergency.

63 (3) "Inherent risk" means a danger or condition that is an integral part of an activity
64 occurring at a trampoline park, including:

65 (a) poor timing in relation to bouncing;

66 (b) being launched in an unexpected direction;

67 (c) colliding with another person in the course of an activity where both participants
68 have an expectation of being on the same surface;

69 (d) being struck by a ball or other thrown object while participating in an activity
70 where throwing the ball or other object toward a participant is an integral part of the activity;

71 (e) the effect of increased physical forces associated with the proper use of the
72 trampoline park equipment on a pre-existing physical condition that may result in the
73 exacerbation or aggravation of the condition; and

74 (f) the failure of a participant to act within the participant's own skill set or ability.

75 (4) "Inspector" means an individual who:

76 (a) inspects a trampoline park to certify compliance with this chapter and industry
77 safety standards; and

78 (b) (i) is certified by an organization that develops and publishes consensus standards
79 for a wide range of materials, products, systems, and services that are used for trampolines;

80 (ii) represents the insurer of the trampoline park;

81 (iii) represents or is certified by a department or agency, regardless of whether the
82 agency is located within the state, that:

83 (A) inspects amusement and recreational facilities and equipment; and

84 (B) certifies and trains professional private industry inspectors through written testing
85 and continuing education requirements; or

86 (iv) represents an organization that the United States Olympic Committee designates as
87 the national governing body for gymnastics.

88 (5) "Local regulating authority" means the business licensing division of:

89 (a) the city, town, or metro township in which the trampoline park is located; or

- 90 (b) if the trampoline park is located in an unincorporated area, the county.
- 91 (6) "Operator" means a person who owns, manages, or controls or who has the duty to
- 92 manage or control the operation of a trampoline park.
- 93 (7) "Participant" means an individual that uses trampoline park equipment.
- 94 (8) "Trampoline bed" means the flexible surface of a trampoline on which a user jumps
- 95 or bounces.
- 96 (9) "Trampoline court" means an area of a trampoline park comprising:
- 97 (a) multiple commercial trampolines; or
- 98 (b) at least one commercial trampoline and at least one associated foam or inflatable
- 99 bag pit.
- 100 (10) "Trampoline park" means a place of business that offers the recreational use of a
- 101 trampoline court for a fee.

Section 3. Section 11-63-103 is enacted to read:

11-63-103. Exemptions.

This chapter does not apply to:

(1) a playground that a school or local government operates, if:

(a) the playground is an incidental amenity; and

(b) the operating entity does not primarily derive revenue from operating the playground for a fee;

(2) a gymnastics, dance, cheer, or tumbling facility where:

(a) the majority of activities are based in training or rehearsal and not recreation;

(b) the facility derives at least 80% of revenues through supervised instruction or classes; and

(c) the student-coach or student-instructor ratio is based on age, skill level, and number of students; or

(3) equipment used exclusively for exercise, an inflatable ride, or an inflatable bounce house.

Section 4. Section 11-63-201 is enacted to read:

Part 2. License Required

11-63-201. Municipal or county business license required.

To operate a trampoline park the operator of a trampoline park shall obtain and

121 maintain, conditioned upon compliance with this chapter:

122 (1) if the trampoline park is located within an incorporated municipality, a municipal
123 business license authorized under Section 10-1-203; or

124 (2) if located within the unincorporated area of a county, a county business license
125 authorized under Section 17-53-216.

126 Section 5. Section 11-63-202 is enacted to read:

127 **11-63-202. Violation -- License suspension or revocation.**

128 (1) Except as provided in this section, a violation of this chapter is grounds for the
129 local regulating authority to suspend or revoke the operator's business license.

130 (2) A local regulating authority may not suspend or revoke a license under Subsection
131 (1) unless:

132 (a) the local regulating authority provides the operator with at least 60 days to cure the
133 violation that is the grounds for the action in accordance with the policy described in
134 Subsection (3); or

135 (b) regardless of the operator curing a violation as described in Subsection (2)(a), the
136 violation repeats.

137 (3) A local regulating authority that licenses a trampoline park operator shall define the
138 reasonable opportunity to cure violations described in Subsection (2)(a) by creating a generally
139 applicable policy that identifies a standard timeline and process for curing a violation.

140 Section 6. Section 11-63-301 is enacted to read:

141 **Part 3. Safety Standards**

142 **11-63-301. Compliance with industry standards.**

143 A trampoline park operator shall ensure that the trampoline park complies with industry
144 standards regarding:

145 (1) signage and notification for proper use of the trampoline park, safety procedures,
146 and education of risk;

147 (2) equipment and facilities, including materials, layout, condition, and maintenance;

148 (3) staff training, including safety procedures and emergency response;

149 (4) participant activities and behaviors that should be restricted;

150 (5) separation of participants within the trampoline park based on age, size, or other
151 necessary factors;

152 (6) operational issues, including maintenance and injury logs and emergency response
153 plans;

154 (7) staff supervision and monitoring of activities; and

155 (8) statistical tracking of injuries in a manner that does not personally identify the
156 injured participant.

157 Section 7. Section **11-63-302** is enacted to read:

158 **11-63-302. Notification and education of risk -- Signs.**

159 An operator shall prominently display throughout the trampoline park contrasted safety,
160 warning, advisory, and instructional signage reflecting:

161 (1) the trampoline park's rules; and

162 (2) the inherent risks of participating in trampoline park activities.

163 Section 8. Section **11-63-303** is enacted to read:

164 **11-63-303. Trampoline park employee training and equipment.**

165 An operator shall ensure that, during all hours of operation:

166 (1) at least one trampoline park employee is working onsite who is certified in first aid
167 and CPR; and

168 (2) the trampoline park has an operable automated external defibrillator.

169 Section 9. Section **11-63-304** is enacted to read:

170 **11-63-304. Trampoline court supervision.**

171 An operator shall:

172 (1) require that trampoline park employees monitor the trampoline court and
173 participants during all hours of operation; and

174 (2) ensure that the number of trampoline park employees described in Subsection (1) is
175 adequate to view each area of the trampoline court.

176 Section 10. Section **11-63-305** is enacted to read:

177 **11-63-305. Reporting of injuries -- Emergency response plan.**

178 (1) An operator shall develop, implement, and follow an in-house injury reporting
179 system and emergency response plan for injuries.

180 (2) The operator shall retain any records related to the injury reporting system and
181 emergency response plan described in Subsection (1).

182 (3) The operator shall make available to the Department of Health or the local health

183 department, upon request:

184 (a) the information contained in the injury reporting system described in Subsection

185 (1); and

186 (b) the records described in Subsection (2).

187 Section 11. Section **11-63-401** is enacted to read:

188 **Part 4. Compliance**

189 **11-63-401. Annual certification to local regulating authority.**

190 (1) A trampoline park operator shall provide the certifications described in Subsection

191 (2):

192 (a) at the time a trampoline park operator applies to a local regulating authority to

193 renew a business license to operate a trampoline park; and

194 (b) if the term of the license described in Subsection (1)(a) exceeds one year, at least

195 once per calendar year.

196 (2) In accordance with Subsection (1), a trampoline park operator shall certify

197 compliance with this chapter by submitting to the local regulating authority:

198 (a) an inspection certificate described in Subsection [11-63-402\(3\)](#); and

199 (b) the certification of insurance described in Subsection [11-63-501\(2\)](#).

200 Section 12. Section **11-63-402** is enacted to read:

201 **11-63-402. Inspection.**

202 A trampoline park operator shall:

203 (1) ensure that an inspector inspects the facilities and records of the trampoline park at

204 least once per calendar year to certify compliance with:

205 (a) industry safety standards, including each category of standards described in Section

206 [11-63-301](#); and

207 (b) this chapter, including safety standards described in Sections [11-63-302](#),

208 [11-63-303](#), [11-63-304](#), and [11-63-305](#);

209 (2) during the inspection described in Subsection (1), provide the inspector with:

210 (a) proof that the trampoline court is maintained in good repair;

211 (b) an emergency response plan; and

212 (c) maintenance, inspection, staff member training, and injury logs; and

213 (3) obtain from the inspector a certificate certifying that:

214 (a) the trampoline park has successfully passed the inspection described in this section;
215 and

216 (b) the trampoline park is in full compliance with this chapter.

217 Section 13. Section **11-63-501** is enacted to read:

218 **Part 5. Liability**

219 **11-63-501. Insurance.**

220 A trampoline park operator shall:

221 (1) carry insurance, either through purchasing insurance or through the trampoline park
222 insuring itself, that is:

223 (a) appropriate for the type of activities the trampoline park offers;

224 (b) consistent with industry standards or otherwise typical in the industry; and

225 (c) provides reasonable protection for an individual who is injured due to the

226 negligence of the trampoline park and not an inherent risk;

227 (2) obtain or prepare a certificate that demonstrates to the satisfaction of the local
228 regulating authority that the trampoline park carries the insurance described in Subsection (1);

229 and

230 (3) notify the licensing staff of the local regulating authority within 24 hours of the
231 lapse, expiration, or cancellation of the insurance described in Subsection (1).

232 Section 14. Section **11-63-502** is enacted to read:

233 **11-63-502. Bar against claims for inherent risks.**

234 Notwithstanding anything in this chapter to the contrary, a participant may not make a
235 claim against or recover from an operator for an injury resulting from an inherent risk if the
236 operator was in compliance with Sections [11-63-301](#), [11-63-302](#), [11-63-303](#), [11-63-304](#), and
237 [11-63-305](#).