

Representative Norman K. Thurston proposes the following substitute bill:

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.



26 **Money Appropriated in this Bill:**

27 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



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) "Inspection" means a procedure that an inspector conducts to:

76 (a) determine whether a trampoline park facility, including any device or material, is
77 constructed, assembled, maintained, tested, and operated in accordance with this chapter and
78 the manufacturer's recommendations;

79 (b) determine the operational safety of a trampoline park facility, including any device
80 or material; and

81 (c) determine whether the trampoline park's policies and procedures comply with this
82 chapter.

83 (5) "Inspector" means an individual who:

84 (a) conducts an inspection of a trampoline park to certify compliance with this chapter
85 and industry safety standards; and

86 (b) (i) is certified by:

87 (A) an organization that develops and publishes consensus standards for a wide range

88 of materials, products, systems, and services that are used for trampolines; or

89 (B) an organization that promotes trampoline park safety and adopts the standards
90 described in Subsection (5)(b)(i)(A);

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

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

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

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

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

99 (6) "Local regulating authority" means the business licensing division of:

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

101 (b) if the trampoline park is located in an unincorporated area, the county.

102 (7) "Operator" means a person who owns, manages, or controls or who has the duty to
103 manage or control the operation of a trampoline park.

104 (8) "Participant" means an individual that uses trampoline park equipment.

105 (9) "Trampoline bed" means the flexible surface of a trampoline on which a user jumps
106 or bounces.

107 (10) "Trampoline court" means an area of a trampoline park comprising:

108 (a) multiple commercial trampolines; or

109 (b) at least one commercial trampoline and at least one associated foam or inflatable
110 bag pit.

111 (11) "Trampoline park" means a place of business that offers the recreational use of a
112 trampoline court for a fee.

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

114 **11-63-103. Exemptions.**

115 This chapter does not apply to:

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

117 (a) the playground is an incidental amenity; and

118 (b) the operating entity does not primarily derive revenue from operating the

119 playground for a fee;

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

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

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

123 classes; and

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

125 of students; or

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

127 house.

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

129 **Part 2. License Required**

130 **11-63-201. Municipal or county business license required.**

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

132 maintain, conditioned upon compliance with this chapter:

133 (1) if the trampoline park is located within an incorporated municipality, a municipal

134 business license authorized under Section [10-1-203](#); or

135 (2) if located within the unincorporated area of a county, a county business license

136 authorized under Section [17-53-216](#).

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

138 **11-63-202. Violation -- License suspension or revocation.**

139 (1) Except as provided in this section, a violation of this chapter is grounds for the

140 local regulating authority to suspend or revoke the operator's business license.

141 (2) A local regulating authority may not suspend or revoke a license under Subsection

142 (1) unless:

143 (a) the local regulating authority provides the operator with at least 60 days to cure the

144 violation that is the grounds for the action in accordance with the policy described in

145 Subsection (3); or

146 (b) regardless of the operator curing a violation as described in Subsection (2)(a), the

147 violation repeats.

148 (3) A local regulating authority that licenses a trampoline park operator shall define the

149 reasonable opportunity to cure violations described in Subsection (2)(a) by creating a generally

150 applicable policy that identifies a standard timeline and process for curing a violation.

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

152 **Part 3. Safety Standards**

153 **11-63-301. Compliance with industry standards.**

154 A trampoline park operator shall ensure that the trampoline park complies with industry
155 standards regarding:

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

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

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

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

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

163 (6) operational issues, including maintenance and injury logs and emergency response
164 plans;

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

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

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

169 **11-63-302. Notification and education of risk -- Signs.**

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

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

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

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

175 **11-63-303. Trampoline park employee training and equipment.**

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

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

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

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

181 **11-63-304. Trampoline court supervision.**

182 An operator shall:

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

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

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

188 **11-63-305. Reporting of injuries -- Emergency response plan.**

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

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

193 (3) The operator shall make available to the Department of Health or the local health
194 department, upon request:

195 (a) the information contained in the injury reporting system described in Subsection
196 (1); and

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

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

199 **Part 4. Compliance**

200 **11-63-401. Annual certification to local regulating authority.**

201 (1) A trampoline park operator shall provide the certifications described in Subsection
202 (2):

203 (a) at the time a trampoline park operator applies to a local regulating authority to
204 renew a business license to operate a trampoline park; and

205 (b) if the term of the license described in Subsection (1)(a) exceeds one year, at least
206 once per calendar year.

207 (2) In accordance with Subsection (1), a trampoline park operator shall certify
208 compliance with this chapter by submitting to the local regulating authority:

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

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

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

212 **11-63-402. Inspection.**

213 A trampoline park operator shall:

214 (1) ensure that an inspector conducts an inspection of the facilities and records of the
215 trampoline park at least once per calendar year to certify compliance with:

216 (a) industry safety standards, including each category of standards described in Section
217 11-63-301; and

218 (b) this chapter, including safety standards described in Sections 11-63-302,
219 11-63-303, 11-63-304, and 11-63-305;

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

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

222 (b) an emergency response plan; and

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

224 (3) obtain from the inspector a written report documenting the inspection and a
225 certificate certifying that:

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

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

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

230 **Part 5. Liability**

231 **11-63-501. Insurance.**

232 A trampoline park operator shall:

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

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

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

237 (c) provides reasonable protection for an individual who is injured due to the
238 negligence of the trampoline park and not an inherent risk;

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

241 and

242 (3) notify the licensing staff of the local regulating authority within 24 hours of the

243 lapse, expiration, or cancellation of the insurance described in Subsection (1).

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

245 **11-63-502. Bar against claims for inherent risks.**

246 Notwithstanding anything in this chapter to the contrary, a participant may not make a

247 claim against or recover from an operator for an injury resulting from an inherent risk if the

248 operator was in compliance with Sections [11-63-301](#), [11-63-302](#), [11-63-303](#), [11-63-304](#), and

249 [11-63-305](#).