

**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: Curtis S. Bramble

---

---

**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.

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

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

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

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

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

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

76 (b) (i) is certified by:

77 (A) an organization that develops and publishes consensus standards for a wide range  
78 of materials, products, systems, and services that are used for trampolines; or

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

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

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

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

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

87 (iv) represents an organization that the United States Olympic Committee designates as

88 the national governing body for gymnastics.

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

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

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

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

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

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

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

98 (a) multiple commercial trampolines; or

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

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

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

104 **11-63-103. Exemptions.**

105 This chapter does not apply to:

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

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

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

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

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

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

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

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

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

119  
120  
121  
122  
123  
124  
125  
126  
127  
128  
129  
130  
131  
132  
133  
134  
135  
136  
137  
138  
139  
140  
141  
142  
143  
144  
145  
146  
147  
148  
149

**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 maintain, conditioned upon compliance with this chapter:

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

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

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

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

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

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

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

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

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

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

**Part 3. Safety Standards**

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

A trampoline park operator shall:

(1) ensure that the trampoline park complies with industry standards regarding:

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

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

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

- 150 (d) participant activities and behaviors that should be restricted;
- 151 (e) separation of participants within the trampoline park based on age, size, or other
- 152 necessary factors;
- 153 (f) operational issues, including maintenance and injury logs and emergency response
- 154 plans;
- 155 (g) staff supervision and monitoring of activities; and
- 156 (h) statistical tracking of injuries in a manner that does not personally identify the
- 157 injured participant; and
- 158 (2) notify the licensing staff of the local regulating authority within 48 hours of any
- 159 changes in status to any requirement under this section.

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

161 **11-63-302. Notification and education of risk -- Signs.**

162 An operator shall prominently display throughout the trampoline park contrasted safety,

163 warning, advisory, and instructional signage reflecting the trampoline park's rules.

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

165 **11-63-303. Trampoline park employee training and equipment.**

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

- 167 (1) at least one trampoline park employee is working onsite who is certified in first aid
- 168 and CPR; and
- 169 (2) the trampoline park has an operable automated external defibrillator.

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

171 **11-63-304. Trampoline court supervision.**

172 An operator shall:

- 173 (1) require that trampoline park employees monitor the trampoline court and
- 174 participants during all hours of operation; and
- 175 (2) ensure that the number of trampoline park employees described in Subsection (1) is
- 176 adequate to view each area of the trampoline court.

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

178 **11-63-305. Reporting of injuries -- Emergency response plan.**

179 (1) An operator shall develop, implement, and follow an in-house injury reporting

180 system and emergency response plan for injuries.

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

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

185 (a) the information contained in the injury reporting system described in Subsection  
186 (1); and

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

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

189 **Part 4. Compliance**

190 **11-63-401. Annual certification to local regulating authority.**

191 (1) A trampoline park operator shall provide the certifications described in Subsection  
192 (2):

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

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

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

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

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

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

202 **11-63-402. Inspection.**

203 A trampoline park operator shall:

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

206 (a) industry safety standards, including each category of standards described in Section  
207 [11-63-301](#); and

208 (b) this chapter, including safety standards described in Sections [11-63-302](#),  
209 [11-63-303](#), [11-63-304](#), and [11-63-305](#);

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

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

212 (b) an emergency response plan; and  
213 (c) maintenance, inspection, staff member training, and injury logs; and  
214 (3) obtain from the inspector a written report documenting the inspection and a  
215 certificate certifying that:

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

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

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

220 **Part 5. Liability**

221 **11-63-501. Insurance.**

222 A trampoline park operator shall:

223 (1) maintain insurance providing liability coverage of at least \$1,000,000 in the  
224 aggregate and \$500,000 per incident to cover injuries to participants arising out of any  
225 negligence or misconduct by the trampoline park operator or staff in the construction,  
226 maintenance, or operation of the trampoline park;

227 (2) maintain a certificate of insurance demonstrating compliance with this section; and

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

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

231 **11-63-502. Claims for inherent risks.**

232 Notwithstanding anything in this chapter to the contrary, if a participant makes a claim  
233 against an operator for an injury resulting from an inherent risk:

234 (1) the operator may raise as a defense the operator's compliance with Sections  
235 [11-63-301](#), [11-63-302](#), [11-63-303](#), [11-63-304](#), and [11-63-305](#); and

236 (2) the factfinder shall consider, in accordance with Section [78B-5-818](#), the operator's  
237 compliance described in Subsection (1).