

TRAMPOLINE GYM LICENSING ACT

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Norman K Thurston

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill creates the Trampoline Gym Licensing Act.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires the operator of a trampoline gym to obtain a municipal or county business license conditioned upon certain requirements;
- ▶ requires each municipality and certain counties to enact ordinances to administer and enforce provisions related to trampoline gym business licenses and regulations;
- ▶ establishes safety and administrative requirements with which trampoline gyms must comply; and
- ▶ provides for municipal and county inspection of certain records and the facilities of trampoline gyms.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

11-55-101, Utah Code Annotated 1953



- 28 [11-55-102](#), Utah Code Annotated 1953
- 29 [11-55-103](#), Utah Code Annotated 1953
- 30 [11-55-201](#), Utah Code Annotated 1953
- 31 [11-55-202](#), Utah Code Annotated 1953
- 32 [11-55-301](#), Utah Code Annotated 1953
- 33 [11-55-302](#), Utah Code Annotated 1953
- 34 [11-55-303](#), Utah Code Annotated 1953
- 35 [11-55-304](#), Utah Code Annotated 1953
- 36 [11-55-401](#), Utah Code Annotated 1953
- 37 [11-55-402](#), Utah Code Annotated 1953
- 38 [11-55-403](#), Utah Code Annotated 1953

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

41 Section 1. Section **11-55-101** is enacted to read:

42 **CHAPTER 55. TRAMPOLINE GYM LICENSING ACT**

43 **Part 1. General Provisions**

44 **11-55-101. Title.**

45 This chapter is known as the "Trampoline Gym Licensing Act."

46 Section 2. Section **11-55-102** is enacted to read:

47 **11-55-102. Definitions.**

48 As used in this chapter:

49 (1) "Adequate clearance" means an amount of unobstructed space above or below a
50 trampoline bed where:

51 (a) the heaviest participant who can be admitted onto the trampoline court under the
52 rules of the trampoline gym could not apply enough force on the trampoline bed to touch any
53 structure or obstruction beneath the trampoline bed; and

54 (b) no person jumping individually on the trampoline bed could jump high enough to
55 reach a structure or obstruction above the trampoline bed, except for a structure that is
56 specifically designed for use in a trampoline court activity.

57 (2) "Child participant" means a participant who is:

58 (a) under 46 inches tall; or

- 59 (b) under six years old.
- 60 (3) "Commercial trampoline" means a device that:
- 61 (a) consists of a trampoline bed;
- 62 (b) is used for recreational jumping, springing, bouncing, acrobatics, or gymnastics;
- 63 and
- 64 (c) is used in a trampoline gym.
- 65 (4) "Double bouncing" means a process where two or more participants jump onto a
- 66 trampoline bed at the same time, applying more downward force on the trampoline bed than
- 67 one participant could generate, in order to launch one participant significantly higher than is
- 68 otherwise possible.
- 69 (5) "Emergency response plan" means a written plan of action for the efficient contact,
- 70 deployment, and coordination of services, agencies, and personnel to provide the earliest
- 71 possible response to an emergency.
- 72 (6) (a) "High-risk activity" means an activity:
- 73 (i) that a child participant would not be capable of performing without a substantial
- 74 risk of serious injury; and
- 75 (ii) that requires some form of training for a participant to be able to perform the
- 76 activity without a substantial risk of serious injury.
- 77 (b) "High-risk activity" includes an activity involving boxes that are four or more feet
- 78 tall.
- 79 (7) "Injury" means an injury that:
- 80 (a) requires only basic first aid; and
- 81 (b) is not a serious injury.
- 82 (8) "Local regulating authority" means:
- 83 (a) any incorporated city, town, or metro township in the state; or
- 84 (b) any county located in the state with an unincorporated area in which a trampoline
- 85 gym operates.
- 86 (9) "Local regulating authority employee" means an employee of a local regulating
- 87 authority whose official duties include the inspection of records of a trampoline gym.
- 88 (10) "Operator" means a person who owns, manages, or controls, or who has the duty
- 89 to manage or control, the operation of a trampoline gym.

90 (11) "Participant" means:

91 (a) a person who jumps, springs, bounces, or plays on a trampoline court, including
92 associated structures within a trampoline gym; and

93 (b) a parent or legal guardian of a participant described in Subsection (11)(a) who is
94 under 18 years old.

95 (12) "Poly bed trampoline" means a trampoline bed that consists of interwoven
96 materials, where a break in the material compromises the integrity of the trampoline bed.

97 (13) (a) "Serious injury" means an injury:

98 (i) that requires or is reasonably likely to require medical attention beyond basic first
99 aid; or

100 (ii) where the nature or cause of the injury or the pain or symptoms related to the injury
101 suggest that failure to receive medical attention beyond basic first aid may result in serious or
102 permanent injury.

103 (b) "Serious injury" includes broken bones, head injuries, spinal cord injuries,
104 paralysis, and cuts requiring sutures.

105 (14) "Staff member" means an employee or agent of a trampoline gym.

106 (15) "Trampoline bed" means a bed of canvas, fabric, or other material that is attached
107 to a framework by springs, rubber coils, or another elastic material, for use on a commercial
108 trampoline.

109 (16) "Trampoline court" means an area comprising:

110 (a) multiple commercial trampolines; or

111 (b) one or more commercial trampolines and one or more associated foam pits.

112 (17) "Trampoline gym" means any place of business that operates for the purpose of
113 offering the recreational use of a trampoline court for a fee.

114 Section 3. Section **11-55-103** is enacted to read:

115 **11-55-103. Exemptions.**

116 This chapter does not apply to:

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

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

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

- 121 (2) a gymnastics, dance, cheer, or tumbling facility where:
- 122 (a) the majority of activities are based in training or rehearsal and not recreation;
- 123 (b) the facility derives at least 80% of revenues through supervised instruction or
- 124 classes; and
- 125 (c) the student-coach or student-instructor ratio is based on age, skill level, and number
- 126 of students; or
- 127 (3) equipment used exclusively for exercise, an inflatable ride, or an inflatable bounce
- 128 house.

129 Section 4. Section 11-55-201 is enacted to read:

130 **Part 2. Municipal and County Authority**

131 **11-55-201. Ordinances regarding trampoline gym licensing -- Municipal or**
132 **county business license required.**

133 (1) To operate a trampoline gym the operator of a trampoline gym shall obtain and
134 maintain:

- 135 (a) if located within a municipality, a municipal business license; or
- 136 (b) if located within the unincorporated area of a county, a county business license.

137 (2) Each local regulating authority shall enact ordinances to provide adequate
138 application, licensing, compliance, enforcement, and appeals processes for trampoline gym
139 business licenses, in accordance with the requirements of this chapter.

140 (3) Each local regulating authority may require additional permits or safety measures
141 that the local regulating authority considers necessary to the safe operation of a trampoline
142 gym.

143 Section 5. Section 11-55-202 is enacted to read:

144 **11-55-202. Penalty for violation.**

145 A violation of this chapter is grounds for:

146 (1) the local regulating authority to suspend or revoke the operator's business license;
147 and

148 (2) other penalties that the local regulating authority in which the trampoline gym is
149 located enacts under Subsection [11-55-201\(2\)](#).

150 Section 6. Section 11-55-301 is enacted to read:

151 **Part 3. Trampoline Gym Safety**

152 **11-55-301. Notification and education of risk -- Signs.**

153 (1) The operator of a trampoline gym shall:

154 (a) educate each participant regarding the risk of serious injury associated with use of
155 the trampoline court, in addition to and separate from any waiver of liability;

156 (b) provide the education through in-person training or by video instruction;

157 (c) document the signed acknowledgment of each participant that the participant has
158 received the education; and

159 (d) ensure that the education described in Subsections (1)(a) and (b) includes:

160 (i) instruction on safe use of the facility;

161 (ii) warnings regarding any activity that this chapter and any local ordinance or rule
162 prohibit or restrict and the associated risks; and

163 (iii) direction to report any injury to a staff member before leaving the premises.

164 (2) The operator of a trampoline gym shall post signs at the entrance desk and in
165 conspicuous, well-lit places within the trampoline gym that:

166 (a) warn of the risks of using the trampoline court;

167 (b) display safety rules, including that a participant may not:

168 (i) attempt a flip into a foam pit until the participant has achieved sufficient skill to flip
169 safely;

170 (ii) jump from any structure or surface not designed for jumping;

171 (iii) dive head first into any area of the facility under any circumstance; and

172 (iv) participate in double-bouncing;

173 (c) contain visual depictions of prohibited activities and potential dangers; and

174 (d) use lettering that is at least two inches tall.

175 (3) The operator of a trampoline gym shall ensure that each staff member is trained to:

176 (a) closely monitor participant use of the trampoline court;

177 (b) advise participants not to attempt tricks or skills that the participant does not appear
178 capable or qualified to attempt;

179 (c) administer basic first aid or treatment in the case of an injury; and

180 (d) respond to a serious injury.

181 Section 7. Section **11-55-302** is enacted to read:

182 **11-55-302. Safety standards.**

183 (1) The operator of a trampoline gym shall ensure that trampoline gym equipment is
184 safe for participant use, including that:

185 (a) each nonjumping surface on or adjacent to a trampoline court or foam pit is covered
186 with at least one and three-eighths inches of padding;

187 (b) no trampoline is near another structure, except for a structure that:

188 (i) meets the minimum padding rules in this section; and

189 (ii) is specifically designed for use in a trampoline court activity;

190 (c) each commercial trampoline and each trampoline court is positioned to provide
191 adequate clearance;

192 (d) each poly bed trampoline has a redundant bed, safety netting, or pad below the
193 trampoline bed;

194 (e) each structure designed for jumping, including boxes and platforms, provides
195 adequate safety measures to ensure safe jumping based on the height of the structure;

196 (f) each structure and surface not designed for jumping is clearly marked as prohibited
197 or out of bounds; and

198 (g) equipment dedicated to the performance of high-risk activities is located in a
199 separate and restricted area of the trampoline gym.

200 (2) The operator of a trampoline gym shall ensure that participants use trampoline gym
201 equipment safely, including that:

202 (a) a participant receives personal training from a staff member before entering the area
203 containing high-risk activities;

204 (b) only one person is allowed at a time on a trampoline bed where a participant may
205 perform tricks or flips;

206 (c) a participant does not climb on a climbing wall surface directly above or below
207 another participant;

208 (d) a participant using foam pit areas:

209 (i) does not remain in the pit; and

210 (ii) does not jump into the landing area before the landing area is clear of any other
211 participant; and

212 (e) a participant using areas set aside for dodgeball or another team sport:

213 (i) does not perform tricks or flips;

214 (ii) does not change from one trampoline bed to another in a reckless or unsafe manner;
215 and

216 (iii) is of relatively the same size as other participants.

217 (3) The operator of a trampoline gym shall ensure that, for safety purposes, a child
218 participant:

219 (a) is separated from other participants to ensure that each child participant:

220 (i) has adequate supervision by a parent, legal guardian, or other responsible adult at all
221 times; and

222 (ii) may not participate in activities with or be allowed into areas used by older or
223 larger participants; and

224 (b) has the signed consent and waiver of a parent, legal guardian, or other responsible
225 adult in order to use the trampoline court.

226 (4) The operator of a trampoline gym shall:

227 (a) inspect and document in a maintenance log the condition of the facility on a weekly
228 and monthly basis, including the condition of:

229 (i) trampoline beds, springs, frames, and pads;

230 (ii) padding materials;

231 (iii) bolts, including tightness, and other connectors;

232 (iv) safety netting and safety equipment; and

233 (v) other trampoline court equipment that affects participant safety; and

234 (b) make available the maintenance log described in Subsection (4)(a) upon request of
235 an authorized municipal employee.

236 Section 8. Section **11-55-303** is enacted to read:

237 **11-55-303. Trampoline court supervision.**

238 (1) The operator of a trampoline gym shall ensure that staff members monitor the
239 trampoline court and participants at all times during hours of operation, including that:

240 (a) one or more staff members monitor trampoline courts at all times, except for areas
241 requiring parental or legal guardian supervision of child participants; and

242 (b) each trampoline gym staff member responsible for monitoring a trampoline court:

243 (i) is at least 18 years old;

244 (ii) is easily identifiable as a monitor;

- 245 (iii) has ready access to basic first aid supplies;
246 (iv) has monitoring as the staff member's primary responsibility;
247 (v) only monitors an area or number of participants that the staff member can
248 reasonably supervise and control; and
249 (vi) is able to easily and clearly communicate immediately with:
250 (A) any other monitoring staff member and any supervisor by radio or another method
251 that does not require the staff member to leave the staff member's monitoring post; and
252 (B) all participants, including access to a public address system.
253 (2) To monitor a trampoline court, a staff member:
254 (a) shall have a clear and unimpeded view of the entire area of each trampoline court
255 that the staff member monitors; and
256 (b) may use video monitoring if video monitoring reasonably allows the staff member
257 to comply with this section.
258 (3) The operator of a trampoline gym shall:
259 (a) train each staff member to enforce the restrictions in this chapter and all rules of the
260 trampoline gym; and
261 (b) designate one or more staff members as safety officers.
262 (4) The operator of a trampoline gym shall ensure that:
263 (a) at all times that the trampoline gym operates, there is a safety officer on duty who:
264 (i) is easily identifiable as a safety officer; and
265 (ii) receives training regarding:
266 (A) the requirements and restrictions in this chapter;
267 (B) trampoline gym rules;
268 (C) first aid;
269 (D) CPR and blood-borne pathogens that meets OSHA standards; and
270 (E) immediate care for breathing emergencies and serious injuries; and
271 (b) the safety officer training described in Subsection (4)(a)(ii) occurs once per
272 calendar year for each safety officer.
273 (5) The owner of each trampoline gym shall keep and make available for review, upon
274 request by a local regulating authority employee, documentation regarding the safety officer
275 training described in Subsection (4).

276 (6) Each trampoline gym shall have:
277 (a) an AED device on the premises; and
278 (b) at all times that the trampoline gym operates, an on-duty staff member trained in
279 the use of the AED device.

280 Section 9. Section **11-55-304** is enacted to read:

281 **11-55-304. Reporting of injuries -- Emergency response plan.**

282 (1) A staff member of a trampoline gym shall immediately call 911 when any serious
283 injury occurs.

284 (2) The operator of a trampoline gym shall ensure that:

285 (a) each trampoline gym has an emergency response plan that:

286 (i) meets the approval of the local fire authority;

287 (ii) describes directions, including what to do and who to call if an injury or a serious
288 injury occurs; and

289 (iii) includes a requirement to call 911 when any serious injury occurs;

290 (b) each staff member receives training on the emergency response plan;

291 (c) a staff member records each injury and each serious injury in an injury log that is
292 kept on site; and

293 (d) the injury log described in Subsection (2)(c) is available for review upon request by
294 a local regulating authority employee.

295 Section 10. Section **11-55-401** is enacted to read:

296 **Part 4. Compliance**

297 **11-55-401. Local regulating authority inspection.**

298 (1) To ensure compliance with this chapter:

299 (a) each local regulating authority that licenses a trampoline gym may establish a
300 process for annual inspection of the facilities and records of the trampoline gym; and

301 (b) each operator shall allow and facilitate a local regulating authority's inspection of
302 the trampoline gym's facilities and records.

303 (2) During a local regulating authority's inspection, each operator shall provide the
304 inspector with:

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

306 (b) proof that the insurer of the trampoline gym or another qualified individual who is

307 not affiliated with the trampoline gym inspects the trampoline court at least once per calendar
308 year;

309 (c) the updated emergency response plan described in Subsection 11-55-304(2)(a); and
310 (d) each maintenance, inspection, staff member training, and injury log.

311 Section 11. Section **11-55-402** is enacted to read:

312 **11-55-402. Insurance.**

313 The operator of a trampoline gym shall:

314 (1) maintain insurance providing liability coverage of at least \$1,000,000 per incident
315 to cover any injury to a participant arising out of any negligence or misconduct by the operator
316 or a staff member in the construction, maintenance, or operation of the gym;

317 (2) maintain on file and make available, upon request by a local regulating authority
318 employee, a certificate of insurance demonstrating compliance with this section; and

319 (3) notify the licensing staff of the local regulating authority within 24 hours of the
320 lapse, expiration, or cancellation of insurance, or any other event that causes the operator to not
321 have the insurance coverage required by this section.

322 Section 12. Section **11-55-403** is enacted to read:

323 **11-55-403. Accreditation or affiliation.**

324 Each trampoline gym shall obtain membership in a statewide industry association
325 related to trampoline gyms, if one exists.

Legislative Review Note
Office of Legislative Research and General Counsel