

**Representative Norman K Thurston** proposes the following substitute bill:

**TRAMPOLINE PARK SAFETY STANDARDS ACT**

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Norman K Thurston**

Senate Sponsor: Curtis S. Bramble

Cosponsor: Dean Sanpei

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**LONG TITLE**

**General Description:**

This bill creates the Trampoline Park Safety Standards Act.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ requires the operator of a trampoline park to obtain a municipal or county business license conditioned upon certain requirements;
- ▶ allows municipalities and certain counties to enact ordinances to enforce provisions related to trampoline park business licenses and regulations;
- ▶ requires trampoline parks to comply with certain safety and administrative requirements;
- ▶ requires inspection of certain records and the facilities of trampoline parks; and
- ▶ creates an affirmative defense in cases of personal injury.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**



25 None

26 **Utah Code Sections Affected:**

27 ENACTS:

28 **11-55-101**, Utah Code Annotated 1953

29 **11-55-102**, Utah Code Annotated 1953

30 **11-55-103**, Utah Code Annotated 1953

31 **11-55-201**, Utah Code Annotated 1953

32 **11-55-202**, Utah Code Annotated 1953

33 **11-55-301**, Utah Code Annotated 1953

34 **11-55-302**, Utah Code Annotated 1953

35 **11-55-303**, Utah Code Annotated 1953

36 **11-55-304**, Utah Code Annotated 1953

37 **11-55-401**, Utah Code Annotated 1953

38 **11-55-402**, Utah Code Annotated 1953

39 **11-55-403**, Utah Code Annotated 1953

40 **11-55-404**, Utah Code Annotated 1953

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

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

44 **CHAPTER 55. TRAMPOLINE PARK SAFETY STANDARDS ACT**

45 **Part 1. General Provisions**

46 **11-55-101. Title.**

47 This chapter is known as the "Trampoline Park Safety Standards Act."

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

49 **11-55-102. Definitions.**

50 As used in this chapter:

51 (1) "Child participant" means a participant who is under 46 inches tall or six years old.

52 (2) "Commercial trampoline" means a device that:

53 (a) consists of a trampoline bed;

54 (b) is used for recreational jumping, springing, bouncing, acrobatics, or gymnastics;

55 and

56 (c) is used in a trampoline gym.

57 (3) "Device use zone" means the area from the ground surface underneath a trampoline  
58 bed to 204 inches above the ground surface.

59 (4) "Double bouncing" means a process where two or more participants jump onto a  
60 trampoline bed at the same time, applying more downward force on the trampoline bed than  
61 one participant could generate, in order to launch one participant significantly higher than is  
62 otherwise possible.

63 (5) "Emergency response plan" means a written plan of action for the efficient contact,  
64 deployment, and coordination of services, agencies, and personnel to provide the earliest  
65 possible response to an injury or emergency.

66 (6) (a) "High-risk activity" means an activity:

67 (i) that a child participant would not be capable of performing without a substantial  
68 risk of serious injury; and

69 (ii) that requires some form of training for a participant to be able to perform the  
70 activity without a substantial risk of serious injury.

71 (b) "High-risk activity" includes an activity involving boxes that are more than four  
72 feet above the horizontal frame of a commercial trampoline.

73 (7) "Injury" means an injury that:

74 (a) requires only basic first aid; and

75 (b) is not a serious injury.

76 (8) "Inspector" means an individual who:

77 (a) inspects a trampoline park to certify compliance with industry safety standards, this  
78 chapter, and any standards or regulations enacted by a local regulating authority; and

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

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

82 (9) "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 park operates.

86 (10) "Operator" means a person who owns, manages, or controls, or who has the duty

87 to manage or control, the operation of a trampoline park.

88 (11) "Participant" means:

89 (a) a person who jumps, springs, bounces, or plays on a trampoline court, including  
90 associated structures within a trampoline park; and

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

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

95 (13) (a) "Serious injury" means an injury that is reasonably likely to require medical  
96 attention beyond basic first aid.

97 (b) "Serious injury" includes broken bones, head, neck, and back injuries, paralysis,  
98 and cuts requiring sutures.

99 (14) "Staff member" means an employee of a trampoline park.

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

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

104 (a) multiple commercial trampolines; or

105 (b) one or more commercial trampolines and one or more associated foam or inflatable  
106 bag pits.

107 (17) "Trampoline park" means any place of business that operates for the purpose of  
108 offering the recreational use of a trampoline court for a fee.

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

110 **11-55-103. Exemptions.**

111 This chapter does not apply to:

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

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

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

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

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

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

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

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

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

125 **Part 2. Municipal and County Licenses**

126 **11-55-201. Municipal or county business license required.**

127 To operate a trampoline park the operator of a trampoline park shall obtain and  
128 maintain, conditioned upon compliance with this chapter:

129 (1) if located within a municipality, a municipal business license authorized under  
130 Section 10-1-203; or

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

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

134 **11-55-202. Violation -- License suspension or revocation.**

135 (1) A violation of this chapter is grounds for the local regulating authority to suspend  
136 or revoke the operator's business license.

137 (2) A local regulating authority may not suspend or revoke a license under Subsection  
138 (1) unless the local regulating authority provides the operator with a reasonable opportunity to  
139 timely cure the violation that is the grounds for the action.

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

141 **Part 3. Trampoline Park Safety**

142 **11-55-301. Notification and education of risk -- Signs.**

143 (1) The operator of a trampoline park shall:

144 (a) educate each participant regarding the risk of serious injury associated with use of  
145 the trampoline court;

146 (b) provide the education through in-person training, by video instruction, or in a  
147 waiver of liability; and

148 (c) ensure that the education described in Subsections (1)(a) and (b) includes:

- 149 (i) instruction on safe use of the facility;
  - 150 (ii) warnings regarding any activity that this chapter and any local ordinance or rule
  - 151 prohibit or restrict and the associated risks; and
  - 152 (iii) direction to report any injury to a staff member before leaving the trampoline park.
  - 153 (2) The operator of a trampoline park shall post signs at the entrance desk and in
  - 154 conspicuous, well-lit places within the trampoline park that:
  - 155 (a) warn of the risks of using the trampoline court;
  - 156 (b) display safety rules, including that a participant may not:
  - 157 (i) attempt a flip on the trampoline court until the participant has achieved sufficient
  - 158 skill to flip safely by attempting flips into a foam pit or inflatable bag;
  - 159 (ii) jump from any structure or surface not designed for jumping;
  - 160 (iii) dive head first into any area of the facility under any circumstance; and
  - 161 (iv) participate in double-bouncing;
  - 162 (c) contain visual depictions of prohibited activities and potential dangers; and
  - 163 (d) use lettering that is at least two inches tall.
  - 164 (3) The operator of a trampoline park shall ensure that each staff member is trained to:
  - 165 (a) closely monitor participant use of the trampoline court;
  - 166 (b) administer basic first aid or treatment in the case of an injury; and
  - 167 (c) respond to a serious injury.
- 168 Section 7. Section **11-55-302** is enacted to read:
- 169 **11-55-302. Safety standards.**
- 170 (1) The operator of a trampoline park shall ensure that trampoline park equipment is
  - 171 safe for participant use, including that:
  - 172 (a) each nonjumping surface on or adjacent to a trampoline court or foam pit is covered
  - 173 with at least one and three-eighths inches of padding with an industry standard density;
  - 174 (b) no trampoline is within 48 inches of another structure, except for a structure that:
  - 175 (i) meets the minimum padding rules in this section; and
  - 176 (ii) is specifically designed for use in a trampoline court activity;
  - 177 (c) each commercial trampoline and each trampoline court is positioned to ensure that
  - 178 the device use zone is free from overhead obstructions, including trusses, fire suppression
  - 179 systems, lighting, and duct work;

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

182 (e) each structure designed for jumping, including boxes and platforms:

183 (i) provides safety measures to ensure safe jumping based on the height of the  
184 structure; and

185 (ii) is labeled as high risk;

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

188 (g) equipment dedicated to the performance of high-risk activities is located in a  
189 separate and restricted area of the trampoline park.

190 (2) The operator of a trampoline park shall ensure that participants use trampoline park  
191 equipment safely, including that:

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

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

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

198 (d) a participant using foam or inflatable bag pit areas:

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

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

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

203 (i) does not perform tricks or flips;

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

206 (iii) is of relatively the same size as other participants using the area set aside for  
207 dodgeball or another team sport to reduce the risk of injury.

208 (3) The operator of a trampoline park shall ensure that, for safety purposes, a child  
209 participant using a trampoline court:

210 (a) is separated from other larger or older participants to ensure that each child

211 participant:

212 (i) has adequate supervision by a parent, legal guardian, or other responsible adult upon  
213 entering the trampoline park; and

214 (ii) may not participate in activities with or be allowed into areas used by larger or  
215 older participants, except for turn-based activities in which participants do not participate at the  
216 same time, including the use of a foam pit or obstacle course; and

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

219 (4) The operator of a trampoline park shall:

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

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

223 (ii) padding materials;

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

225 (iv) safety netting and safety equipment; and

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

227 (b) make available the maintenance log described in Subsection (4)(a) upon request of  
228 an inspector.

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

230 **11-55-303. Trampoline court supervision.**

231 (1) The operator of a trampoline park shall require that staff members monitor the  
232 trampoline court and participants at all times during hours of operation, including that:

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

235 (b) each trampoline park staff member responsible for monitoring a trampoline court:

236 (i) is easily identifiable as a monitor;

237 (ii) has ready access to basic first aid supplies;

238 (iii) has monitoring as the staff member's primary responsibility;

239 (iv) monitors no more than 32 active participants, or an area containing no more than  
240 32 active participants, at one time; and

241 (v) is able to easily and clearly communicate immediately with:



242 (A) any other monitoring staff member and any supervisor by radio or another method  
243 that does not require the staff member to leave the staff member's monitoring post; and

244 (B) all participants, including access to a public address system.

245 (2) To monitor a trampoline court, a staff member:

246 (a) shall have a clear and unimpeded view of the entire area of each trampoline court  
247 that the staff member monitors; and

248 (b) may use video monitoring if video monitoring reasonably allows the staff member  
249 to comply with this section.

250 (3) The operator of a trampoline park shall:

251 (a) train each staff member to enforce the restrictions in this chapter and all rules of the  
252 trampoline park; and

253 (b) train each staff member regarding:

254 (i) the requirements and restrictions in this chapter;

255 (ii) trampoline park rules;

256 (iii) first aid;

257 (iv) CPR and blood-borne pathogens, in accordance with OSHA standards; and

258 (v) immediate care for breathing emergencies and serious injuries; and

259 (c) ensure that the safety training described in Subsection (3)(b) occurs at least once  
260 per calendar year.

261 (4) The owner of each trampoline gym shall keep and make available for review, upon  
262 request by an inspector, documentation regarding the safety training described in Subsection  
263 (3)(b).

264 (5) Each trampoline park shall have:

265 (a) an AED device on the premises; and

266 (b) at all times that the trampoline park operates, an on-duty staff member trained in  
267 the use of the AED device.

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

269 **11-55-304. Reporting of injuries -- Emergency response plan.**

270 The operator of a trampoline park shall ensure that:

271 (1) the trampoline park has an emergency response plan that:

272 (a) meets the approval of the local fire authority;

273 (b) describes directions, including what to do and who to call if an injury or a serious  
274 injury occurs; and

275 (c) includes a requirement to call 911 when any serious injury occurs;

276 (2) each staff member receives training on the emergency response plan;

277 (3) a staff member records each injury and each serious injury in an injury log that is  
278 kept on site; and

279 (4) the injury log described in Subsection (3) is available for review upon request by an  
280 inspector.

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

282 **Part 4. Compliance**

283 **11-55-401. Inspection -- Trampoline park operator certification to local regulating**  
284 **authority.**

285 To ensure compliance with this chapter, a trampoline park operator shall:

286 (1) ensure that an inspector inspects the facilities and records of the trampoline park at  
287 least once per calendar year to certify compliance with industry safety standards, this chapter,  
288 and any standards or regulations enacted by a local regulating authority;

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

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

291 (b) the updated emergency response plan described in Section [11-55-304](#); and

292 (c) each maintenance, inspection, staff member training, and injury log; and

293 (3) certify to the local regulating authority once per calendar year that:

294 (a) the trampoline park has successfully passed the inspection described in Subsection  
295 (1); and

296 (b) the trampoline park is in full compliance with this chapter and any other local  
297 ordinance or rule regulating the trampoline park.

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

299 **11-55-402. Insurance.**

300 The operator of a trampoline park shall:

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

304           (2) maintain on file and make available, upon request by an inspector, a certificate of  
305 insurance demonstrating compliance with this section; and

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

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

310           **11-55-403. Accreditation or affiliation.**

311           Each trampoline park shall obtain membership in a statewide industry association  
312 related to trampoline parks, if one exists.

313           Section 13. Section **11-55-404** is enacted to read:

314           **11-55-404. Affirmative defense.**

315           (1) In any action for damages for personal injury that names a trampoline park or  
316 trampoline park operator as a defendant, it is an affirmative defense to liability that:

317           (a) a trampoline park operator complies with the safety standards described in this  
318 chapter in accordance with Section [11-55-401](#); or

319           (b) the injury resulted from use of the trampoline park facilities that did not comply  
320 with the safety directions or warnings of the trampoline park staff.

321           (2) There is a rebuttable presumption that a trampoline park operator has followed all  
322 applicable standards and procedures established by this chapter.