

HB0300S02 compared with HB0300S01

~~text~~ shows text that was in HB0300S01 but was deleted in HB0300S02.

Inserted text shows text that was not in HB0300S01 but was inserted into HB0300S02.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

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

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

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requirements; ~~and~~

- ▶ requires inspection of certain records and the facilities of trampoline parks ~~and~~; and
- ▶ creates an affirmative defense in cases of personal injury.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

11-55-101, Utah Code Annotated 1953

11-55-102, Utah Code Annotated 1953

11-55-103, Utah Code Annotated 1953

11-55-201, Utah Code Annotated 1953

11-55-202, Utah Code Annotated 1953

11-55-301, Utah Code Annotated 1953

11-55-302, Utah Code Annotated 1953

11-55-303, Utah Code Annotated 1953

11-55-304, Utah Code Annotated 1953

11-55-401, Utah Code Annotated 1953

11-55-402, Utah Code Annotated 1953

11-55-403, Utah Code Annotated 1953

11-55-404, Utah Code Annotated 1953

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

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

CHAPTER 55. TRAMPOLINE PARK SAFETY STANDARDS ACT

Part 1. General Provisions

11-55-101. Title.

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

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

11-55-102. Definitions.

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As used in this chapter:

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

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

(a) consists of a trampoline bed;

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

and

(c) is used in a trampoline gym.

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

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

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

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

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

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

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

(7) "Injury" means an injury that:

(a) requires only basic first aid; and

(b) is not a serious injury.

(8) "Inspector" means an individual who:

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

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

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(ii) represents the insurer of the trampoline park.

(9) "Local regulating authority" means:

(a) any incorporated city, town, or metro township in the state; or

(b) any county located in the state with an unincorporated area in which a trampoline park operates.

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

(11) "Participant" means:

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

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

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

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

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

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

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

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

(a) multiple commercial trampolines; or

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

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

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

11-55-103. Exemptions.

This chapter does not apply to:

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- (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 **11-55-201** is enacted to read:

Part 2. Municipal and County Licenses

11-55-201. 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 located within a 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 **11-55-202** is enacted to read:

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

- (1) 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 the local regulating authority provides the operator with a reasonable opportunity to timely cure the violation that is the grounds for the action.

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

Part 3. Trampoline Park Safety

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

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(1) The operator of a trampoline park shall:

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

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

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

~~(d); or in a waiver of liability; and~~

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

(i) instruction on safe use of the facility;

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

(iii) direction to report any injury to a staff member before leaving the trampoline park.

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

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

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

(i) attempt a flip on the trampoline court until the participant has achieved sufficient skill to flip safely by attempting flips into a foam pit or inflatable bag;

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

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

(iv) participate in double-bouncing;

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

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

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

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

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

(c) respond to a serious injury.

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

11-55-302. Safety standards.

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

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

(b) no trampoline is within 48 inches of another structure, except for a structure that:

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

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

(c) each commercial trampoline and each trampoline court is positioned to ensure that the device use zone is free from overhead obstructions, including trusses, fire suppression systems, lighting, and duct work;

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

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

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

(ii) is labeled as high risk;

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

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

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

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

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

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

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

(i) does not remain in the pit; and

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

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

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(i) does not perform tricks or flips;

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

and

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

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

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

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

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

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

(4) The operator of a trampoline park shall:

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

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

(ii) padding materials;

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

(iv) safety netting and safety equipment; and

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

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

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

11-55-303. Trampoline court supervision.

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

(a) one or more staff members monitor trampoline courts at all times, except for areas

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requiring parental or legal guardian supervision of child participants; and

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

(i) is easily identifiable as a monitor;

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

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

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

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

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

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

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

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

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

(3) The operator of a trampoline park shall:

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

(b) train each staff member regarding:

(i) the requirements and restrictions in this chapter;

(ii) trampoline park rules;

(iii) first aid;

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

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

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

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

(5) Each trampoline park shall have:

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(a) an AED device on the premises; and

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

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

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

The operator of a trampoline park shall ensure that:

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

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

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

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

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

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

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

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

Part 4. Compliance

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

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

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

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

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

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

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

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

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

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

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

11-55-402. Insurance.

The operator of a trampoline park shall:

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

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

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

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

11-55-403. Accreditation or affiliation.

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

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

11-55-404. Affirmative defense.

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

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

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

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