

**TRAMPOLINE GYM LICENSING ACT**

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Norman K Thurston**

Senate Sponsor: \_\_\_\_\_

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**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

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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.

(11) "Participant" means:

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

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

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

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

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

(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 pits.

(17) "Trampoline gym" 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:

(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 Authority**

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

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

(a) if located within a municipality, a municipal business license; or

(b) if located within the unincorporated area of a county, a county business license.

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

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

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

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

A violation of this chapter is grounds for:

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

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

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

**Part 3. Trampoline Gym Safety**

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

(1) The operator of a trampoline gym 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) 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 premises.

(2) The operator of a trampoline gym shall post signs at the entrance desk and in conspicuous, well-lit places within the trampoline gym 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 into a foam pit until the participant has achieved sufficient skill to flip safely;

(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 gym shall ensure that each staff member is trained to:

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

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

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

(d) respond to a serious injury.

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

**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).

(6) Each trampoline gym shall have:

(a) an AED device on the premises; and

(b) at all times that the trampoline gym 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.**

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

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

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

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

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

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

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

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

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

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

**Part 4. Compliance**

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

(1) To ensure compliance with this chapter:

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

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

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

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

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

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

(c) the updated emergency response plan described in Subsection [11-55-304\(2\)\(a\)](#); and

(d) each maintenance, inspection, staff member training, and injury log.

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

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

The operator of a trampoline gym 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 gym;

(2) maintain on file and make available, upon request by a local regulating authority employee, 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 gym shall obtain membership in a statewide industry association related to trampoline gyms, if one exists.

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**