

AMENDED IN ASSEMBLY AUGUST 7, 2013

AMENDED IN SENATE MAY 24, 2013

AMENDED IN SENATE APRIL 30, 2013

AMENDED IN SENATE APRIL 4, 2013

SENATE BILL

No. 256

Introduced by Senator Lieu

February 13, 2013

An act to add Part 8.2 (commencing with Section 7940) to Division 5 of the Labor Code, relating to trampoline courts.

LEGISLATIVE COUNSEL'S DIGEST

SB 256, as amended, Lieu. Trampoline courts: safety inspection.

Existing law establishes the Permanent Amusement Ride Safety Inspection Program and requires the Division of Occupational Safety and Health within the Department of Industrial Relations to propose rules and regulations for adoption by the Occupational Safety and Health Standards Board relating to permanent amusement ride safety for the protection of the general public. The program exempts certain amusements from its provisions, including trampolines and stationary spring-mounted fixtures.

This bill would establish a state program to inspect trampoline courts, as defined, for the protection of the general public using trampoline courts. The bill would require each owner of a trampoline court to annually submit to the division a certificate of compliance, and to report specified accidents. The bill would make operation of a trampoline court contingent on being insured in an amount not less than \$1,000,000, or self-insured, as prescribed by rules and regulations promulgated by the division. The bill would require the division to formulate and propose

rules and regulations for adoption by the board regarding trampoline courts, and to adopt rules and regulations necessary to administer the program. The bill would authorize the division to employ qualified safety inspectors, as defined, for purposes of the program and would require the division to certify inspectors as prescribed. The bill would authorize the division to fix and collect fees to cover the reasonable costs of administering the program, and provide for the imposition of civil penalties for violations of the program or rules and regulations adopted to implement the program. The bill would establish the Trampoline Courts Safety Fund and require fees and penalties collected pursuant to these provisions to be deposited in the fund, as specified. The bill would require that all moneys in the fund be made available upon appropriation by the Legislature.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Part 8.2 (commencing with Section 7940) is
2 added to Division 5 of the Labor Code, to read:

3

4

PART 8.2. TRAMPOLINE COURTS

5

6 7940. It is the intent of the Legislature in enacting this part to
7 create a *safety* program for ~~the inspection of~~ trampoline courts.

8 7941. As used in this part:

9 (a) “*Fund*” means the *Trampoline Courts Safety Fund*
10 *established by Section 7949.*

11 ~~(a) “Trampoline court” means a defined area comprised of one~~
12 ~~or more institutional trampolines, a series of institutional~~
13 ~~trampolines, a trampoline court foam pit, or a series of trampoline~~
14 ~~court foam pits. The division shall determine the specific devices~~
15 ~~that are trampoline courts for the purposes of this part. This~~
16 ~~determination shall be made to apply equally to all operators of~~
17 ~~similar or identical facilities and shall be made pursuant to a~~
18 ~~procedure promulgated by the standards board.~~

19 (b) “*Institutional trampoline*” means a trampoline intended for
20 use in a *defined area within* a commercial or institutional facility.

1 ~~(e) “Trampoline court foam pit” means a combination style~~
2 ~~dismount pit designed with a rebound device, covered with loose~~
3 ~~impact absorbing blocks.~~

4 ~~(d)~~

5 (c) “Operator” or “owner” means a person who owns or controls
6 or has the duty to control the operation of a trampoline court. It
7 includes the state and every state agency, and each county, city,
8 district, and all public and quasi-public corporations and public
9 agencies therein.

10 ~~(e) “Fund” means the Trampoline Courts Safety Fund~~
11 ~~established by Section 7949.~~

12 ~~(f)~~

13 (d) “Qualified safety inspector” means either of the following:
14 ~~(1) A~~ a person who holds a valid professional engineer license
15 issued by this state or issued by an equivalent licensing body in
16 another state, ~~and~~ who has been approved by the division as a
17 qualified safety inspector for permanent amusement ~~rides~~; *rides,*
18 *and who has documented to the satisfaction of the division that he*
19 *or she is qualified to inspect trampoline courts pursuant to*
20 *requirements adopted by the division pursuant to this part.*

21 (e) “Trampoline” means a rebound device activated by vertical
22 or lateral jumping used in a trampoline court.

23 (f) “Trampoline court” means a defined area comprised of one
24 or more institutional trampolines, a series of institutional
25 trampolines, a trampoline court foam pit, or a series of trampoline
26 court foam pits. The division shall determine the specific devices
27 that are trampoline courts for the purposes of this part. This
28 determination shall be made to apply equally to all operators of
29 similar or identical facilities and shall be made pursuant to a
30 procedure promulgated by the standards board.

31 (g) “Trampoline court foam pit” means a combination style
32 dismount pit designed with a rebound device, covered with loose
33 impact absorbing blocks.

34 ~~(2) A person who documents to the satisfaction of the division~~
35 ~~that he or she meets all of the following requirements:~~

36 ~~(A) The person has a minimum of five years’ experience in the~~
37 ~~amusement ride field, at least two years of which were involved~~
38 ~~in actual amusement ride inspection with a manufacturer,~~
39 ~~government agency, amusement park, carnival, or insurance~~
40 ~~underwriter.~~

1 ~~(B) The person completes not less than 15 hours per year of~~
2 ~~continuing education at a school approved by the division, which~~
3 ~~education shall include inservice industry or manufacturer updates~~
4 ~~and seminars.~~

5 ~~(C) The person has completed at least 80 hours of formal~~
6 ~~education during the past five years from a school approved by~~
7 ~~the division for amusement ride safety. Nondestructive testing~~
8 ~~training, as determined by the division, may be substituted for up~~
9 ~~to one-half of the 80 hours of education.~~

10 7942. This part does not apply to any of the following:

11 (a) Any playground operated by a school or local government,
12 if the playground is an incidental amenity and the operating entity
13 is not primarily engaged in providing amusement, pleasure, thrills,
14 or excitement.

15 (b) Museums or other institutions principally devoted to the
16 exhibition of products of agriculture, industry, education, science,
17 religion, or the arts.

18 (c) Skating rinks, arcades, laser or paint ball war games, indoor
19 interactive arcade games, bowling alleys, miniature golf courses,
20 mechanical bulls, inflatable rides, ball crawls, exercise equipment,
21 jet skis, paddle boats, air boats, helicopters, airplanes, parasails,
22 hot air balloons, whether tethered or untethered, theaters,
23 amphitheaters, batting cages, stationary spring-mounted fixtures,
24 rider-propelled merry-go-rounds, games, slide shows, live animal
25 rides, or live animal shows. As used in this section, “stationary
26 spring-mounted fixtures” does not include trampolines.

27 (d) Gymnastics clubs or facilities where all of the following are
28 applicable:

29 (1) The majority of the activities are gymnastics based.

30 (2) The gymnastics club or facility derives the majority of its
31 revenues through supervised educational instruction classes or
32 programs where the student-to-coach/instructor ratio is based on
33 age, skill level, and number of students.

34 (3) The gymnastics club or facility teaches gymnastics skills
35 and basics through programs that use progression-oriented training
36 and has supervised training and classes.

37 (e) Trampoline courts operated at a private event that are not
38 open to the general public and not subject to a separate admission
39 charge *for the use of the trampoline court.*

1 7943. (a) The division shall formulate and propose rules and
2 regulations for adoption by the ~~Occupational Safety and Health~~
3 ~~Standards Board~~ *standards board* for the safe installation,
4 *construction*, repair, maintenance, use, operation, and inspection
5 of all trampoline courts as the division finds necessary for the
6 protection of the general public using trampoline courts. The rules
7 and regulations shall be in addition to the existing applicable safety
8 orders and shall be concerned with engineering force stresses,
9 safety devices, and preventive maintenance. Nothing in this part
10 shall limit the authority of the division to prescribe or enforce
11 general or special safety orders.

12 (b) It is the Legislature's intent that the rules and regulations
13 adopted pursuant to this part be consistent with those adopted by
14 the ~~Occupational Safety and Health Standards Board~~ *standards*
15 *board* for traveling amusement rides, to the extent that those rules
16 and regulations are found to be appropriate. *The standards board*
17 *may consider relevant information in adopting its rules and*
18 *regulations, including, but not limited to, the American Society*
19 *for Testing Materials (ASTM) International Committee F24*
20 *Standards on Amusement Rides and Devices.*

21 7944. (a) On an annual basis, each owner of a trampoline court
22 shall submit to the division a certificate of compliance on a form
23 prescribed by the division, which shall include the following:

24 (1) The legal name and address of the owner and his or her
25 representative, if any, and the primary place of business of the
26 owner.

27 (2) A description of, the name of the manufacturer of, and, if
28 given by the manufacturer, the serial number and model number
29 of, the trampoline court.

30 (3) A written declaration, executed by a qualified safety
31 inspector, stating that, within the preceding 12-month period, the
32 trampoline court was inspected by the qualified safety inspector
33 and that the trampoline court is in material conformance with the
34 requirements of this section and all applicable rules and regulations
35 adopted by the division and standards board.

36 (b) The owner of multiple trampoline courts at a single site may
37 submit a single certificate of compliance that provides the
38 information required by subdivision (a) for each trampoline court
39 at that site.

1 (c) A certificate of compliance shall not be required until one
2 year following the promulgation of any rules or regulations by the
3 division governing the submission of the certificates.

4 (d) A person shall not operate a trampoline court that has been
5 inspected by a qualified safety inspector or division inspector and
6 found to be unsafe, unless all necessary repairs or modifications,
7 or both, to the devices at the facility have been completed and
8 certified as completed by a qualified safety inspector.

9 (e) For the purposes of satisfying this section, a qualified safety
10 inspector shall meet the requirements in subdivision ~~(e)~~ (g) of
11 Section 7941 and shall be certified by the division. Each qualified
12 safety inspector shall be recertified every two years following his
13 or her initial certification. A qualified safety inspector may be an
14 in-house, full-time safety inspector of the owner of the trampoline
15 court, an employee or agent of the insurance underwriter or
16 insurance broker of the trampoline court, an employee or agent of
17 the manufacturer of the trampoline court devices, or an independent
18 consultant or contractor.

19 (f) The owner of a trampoline court shall maintain all of the
20 records necessary to demonstrate that the requirements of this
21 section have been met, including, but not limited to, employee
22 training records, maintenance, repair, and inspection records for
23 each trampoline court, and records of accidents of which the
24 operator has knowledge, resulting from the failure, malfunction,
25 or operation of a device at the trampoline court, requiring medical
26 service other than ordinary first aid, and shall make them available
27 to a division inspector upon request. The owner shall make those
28 records available for inspection by the division during normal
29 business hours at the owner's permanent place of business. The
30 owner, or representative of the owner, may be present when the
31 division inspects the records. In conjunction with an inspection of
32 records conducted pursuant to this subdivision, the division shall
33 conduct an inspection of the operation of the devices at the
34 trampoline court. *The division may consolidate inspections under*
35 *this section to achieve appropriate efficiencies.*

36 (g) Upon receipt of a certificate of compliance, the division
37 shall notify the owner of the trampoline court or courts for which
38 a certificate is submitted whether the certificate meets all the
39 requirements of this section, and if not, what requirements must
40 still be met.

1 (h) The division, in addition to the annual inspection performed
2 by the division pursuant to subdivision (f), shall inspect the records
3 for a trampoline court or the devices at the trampoline court, or
4 both, under either of the following circumstances:

5 (1) The division finds that the certificate of compliance
6 submitted pursuant to this section for the trampoline court is
7 fraudulent.

8 (2) The division determines, pursuant to regulations it has
9 adopted, that a trampoline court has a disproportionately high
10 incidence of accidents required to be reported pursuant to Section
11 7945. *The division, by regulation, may establish appropriate*
12 *factors to consider in determining what constitutes a high incidence*
13 *of accidents.*

14 (i) The division shall conduct its inspections with the least
15 disruption to the normal operation of the trampoline court.

16 7945. (a) Each operator of a trampoline court shall, *within 24*
17 *hours*, report or cause to be reported to the division ~~immediately~~
18 by telephone each known accident where maintenance, operation,
19 or use of the trampoline court results in a death or serious injury
20 to any person unless the injury does not require medical service
21 other than ordinary first aid. ~~If a death or serious injury results~~
22 ~~from the failure, malfunction, or operation of a trampoline court,~~
23 ~~the equipment or conditions that caused the accident shall be~~
24 ~~preserved for the purpose of an investigation by the division.~~

25 (b) A division inspector may inspect any trampoline court after
26 the report of an accident to the division. The division may order
27 a cessation of operation of a device if it is determined after
28 inspection to be hazardous or unsafe. Operation shall not resume
29 until these conditions are corrected to the satisfaction of the
30 division. *The division shall conduct any reinspection within five*
31 *working days of receiving written notice that the hazardous or*
32 *unsafe condition has been corrected.*

33 (c) *If a death or serious injury results from the failure,*
34 *malfunction, or operation of a trampoline court, the equipment or*
35 *conditions that caused the accident shall be preserved for the*
36 *purpose of an investigation by the division. The affected portion*
37 *of the trampoline court shall remain closed until the division*
38 *determines that defects, if any, have been remedied in accordance*
39 *with the division's rules and regulations pursuant to this part and*
40 *approves the reopening of the affected portion.*

1 (e)

2 (d) Whenever a state, county, or local fire or police agency is
3 called to an accident involving a trampoline court covered by this
4 part where a serious injury or death occurs, the responding agency
5 shall immediately notify the nearest office of the division.

6 7946. (a) A person shall not operate a trampoline court unless,
7 at the time of operation, one of the following is in existence:

8 (1) The owner of the trampoline court provides an insurance
9 policy in an amount not less than one million dollars (\$1,000,000)
10 per occurrence insuring the owner or operator against liability for
11 injury or death to persons arising out of the use of the trampoline
12 court.

13 (2) The owner of the trampoline court meets a financial test of
14 self-insurance, as prescribed by rules and regulations promulgated
15 by the division, to demonstrate financial responsibility covering
16 liability for injury suffered by patrons using the trampoline court.

17 (b) The insurance policy shall be obtained from one or more
18 admitted insurers licensed by the Department of Insurance to write
19 liability insurance in this state, as defined in Section 100 of the
20 Insurance Code, or by ~~an one or more eligible surplus line insurer,~~
21 ~~insurers,~~ with the insurance procured pursuant to Section 1765.1
22 of the Insurance Code.

23 7947. Each owner of a trampoline court shall provide training
24 for its employees in the safe operation and maintenance of
25 amusement rides, as required by the standards adopted by the
26 ~~American Society for Testing and Materials, as amended or ASTM~~
27 ~~International Committee F24 Standards,~~ as may be amended from
28 time to time, to the extent that those standards are consistent with
29 the standards adopted by the division pursuant to this part, and the
30 injury prevention program required under Section 6401.7.

31 7948. The division shall adopt rules and regulations necessary
32 for the administration of this part. The division may employ
33 qualified safety inspectors as it determines to be necessary for the
34 purposes of this part.

35 7949. (a) The division may fix and collect all fees necessary
36 to cover the reasonable costs of administering this part. Fees shall
37 be charged to a person or entity receiving the division's services
38 as provided by this part or by regulations adopted pursuant to this
39 part, including, but not limited to, approvals, determinations,
40 certifications and recertifications, receipt and review of certificates,

1 and inspections. In fixing the amount of these fees, the division
2 may include a reasonable percentage attributable to the general
3 cost of the division for administering this part. Notwithstanding
4 Section 6103 of the Government Code, the division may collect
5 these fees from the state or any county, city, district, or other
6 political subdivision.

7 (b) (1) The Trampoline Courts Safety Fund is hereby established
8 within the State Treasury. All money in the fund shall be available
9 for the administration of this part, upon appropriation by the
10 Legislature.

11 (2) All fees collected pursuant to this part shall be deposited
12 into the Trampoline Courts Safety Fees Account, which is hereby
13 established within the fund.

14 (3) All penalties collected pursuant to this part shall be deposited
15 into the Trampoline Courts Safety Penalties Account, which is
16 hereby established within the fund.

17 7949.5. (a) If the division determines that any owner or
18 operator of a trampoline court subject to this part has willfully or
19 intentionally violated this part or any rule or regulation
20 promulgated under this part, and that violation results in a death
21 or serious injury as specified in Section 7945, the division shall
22 impose on that owner or operator a civil penalty of not less than
23 ~~twenty-five thousand dollars (\$25,000)~~ *fifteen thousand dollars*
24 *(\$15,000)* and not more than seventy thousand dollars (\$70,000).

25 (b) The division shall enforce this part by the issuance of a
26 citation and notice of civil penalty in a manner consistent with
27 Section 6317. Any owner or operator who receives a citation and
28 penalty may appeal the citation and penalty to the ~~Occupational~~
29 ~~Safety and Health Appeals Board~~ *appeals board* in a manner
30 consistent with Section 6319.