

House Bill 488

By: Representatives Mabra of the 63rd and Fludd of the 64th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 15 of Title 25 of the Official Code of Georgia Annotated, relating to
2 certain safety inspections and regulations, so as to provide for the regulation of trampoline
3 parks; to provide for definitions; to provide for the Safety Fire Commissioner to consult with
4 persons knowledgeable about the trampoline park industry and to create committees
5 composed of such consultants; to provide for safety standards and regulations governing
6 trampoline parks; to provide for licensing of private inspectors; to require permits and to
7 provide for applications for such permits; to provide for inspections of trampoline parks; to
8 provide for the issuance of permits; to require owners of trampoline parks to keep
9 maintenance, inspection, and repair records; to provide for minimum standards for the
10 operation of trampoline parks; to provide for the reporting of accidents; to require liability
11 insurance, bond, or other security; to provide for variances from standards and regulations;
12 to provide for exemptions; to provide for temporary cessation orders, injunctions, and
13 penalties; to allow owners and operators of trampoline parks to prohibit entry of certain
14 individuals; to require posting of certain signs; to specify that state liability is not created;
15 to provide certain provisions as to the regulation of trampoline parks by counties and
16 municipalities; to provide for a short title; to provide for related matters; to provide for an
17 effective date; to repeal conflicting laws; and for other purposes.

18 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

19 **SECTION 1.**

20 This Act shall be known and may be cited as the "Jonathan Magwood Trampoline Park
21 Safety Act."

22 **SECTION 2.**

23 Chapter 15 of Title 25 of the Official Code of Georgia Annotated, relating to certain safety
24 inspections and regulations, is amended by adding a new article to read as follows:

25 "ARTICLE 6

26 25-15-120.

27 As used in this article, the term:

28 (1) 'Certificate of inspection' means a certificate issued by a licensed inspector that a
 29 trampoline park meets all relevant provisions of this article and the standards and
 30 regulations adopted pursuant thereto.

31 (2) 'Commissioner' means the Safety Fire Commissioner.

32 (3) 'Licensed inspector' means a registered professional engineer or any other person who
 33 is found by the office to possess the requisite training and experience to perform
 34 competently the inspections required by this article and who is licensed by the office to
 35 perform inspections of trampoline parks.

36 (4) 'Office' means the office of Safety Fire Commissioner, which is designated to enforce
 37 the provisions of this article and to formulate and enforce standards and regulations.

38 (5) 'Operator' means a person or persons actually engaged in or directly controlling the
 39 operation of a trampoline park.

40 (6) 'Owner' means a person, including the state or any of its political subdivisions, that
 41 owns a trampoline park or, in the event that the trampoline park is leased, the lessee.

42 (7) 'Permit' means a permit to operate a trampoline park issued to an owner by the office.

43 (8) 'Permit fee' means the fee charged by the office for a permit to operate a trampoline
 44 park.

45 (9) 'Standards and regulations' means those rules and regulations and any standards
 46 thereunder formulated and enforced by the office.

47 (10) 'Trampoline park' means a commercial facility composed of one or more
 48 trampolines, a series of trampolines, a trampoline foam pit, or a series of trampoline foam
 49 pits. The term 'trampoline park' shall not include any of the following:

50 (A) A playground operated by a school or any federal, state, or local government;

51 (B) An inflatable ride, inflatable bounce house, ball crawl, or equipment used
 52 exclusively for exercise;

53 (C) A physical rehabilitation facility; or

54 (D) A gymnastic training facility that derives a majority of its revenue from supervised
 55 instruction in the teaching of gymnastic skills and basics.

56 25-15-121.

57 The Commissioner shall be authorized to consult with persons knowledgeable about the
 58 trampoline park industry and to create committees composed of such consultants to assist
 59 the Commissioner in carrying out his or her duties under this article.

60 25-15-122.

61 (a) The office shall formulate standards and regulations, or changes to such standards and
62 regulations, for the safe assembly, repair, maintenance, use, operation, and inspection of
63 all trampoline parks. The standards and regulations shall be reasonable and based upon
64 generally accepted engineering standards, formulas, and practices pertinent to the industry.
65 Formulation and promulgation of such standards and regulations shall be subject to
66 Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

67 (b) The office shall:

68 (1) Enforce all standards and regulations;

69 (2) License inspectors for authorization to inspect trampoline parks; and

70 (3) Issue permits upon compliance with this article and such standards and regulations
71 adopted pursuant to this article.

72 (c) The owner or operator of a trampoline park required to be inspected shall pay fees as
73 prescribed in standards and regulations promulgated by the Commissioner. The chief
74 inspector shall transfer all fees so received to the general fund of the state treasury.

75 25-15-123.

76 The office may license such private inspectors as may be necessary to carry out the
77 provisions of this article.

78 25-15-124.

79 No trampoline park shall be operated in any calendar year, except for purposes of testing
80 and inspection, until a permit for its operation has been issued by the office. An owner
81 shall apply for a permit to the office on a form furnished by the office, providing such
82 information as the office may require.

83 25-15-125.

84 All trampoline parks shall be inspected annually and may be inspected more frequently by
85 a licensed inspector at the owner's or operator's expense. If the trampoline park meets all
86 relevant provisions of this article and the standards and regulations adopted pursuant to this
87 article, the licensed inspector shall provide to the owner or operator a certificate of
88 inspection. All new trampoline parks shall be inspected before commencing public
89 operation.

90 25-15-126.

91 The office shall issue a permit to operate a trampoline park to the owner thereof upon
92 successful completion of a safety inspection by a licensed inspector, upon completion by

93 the owner of the application for a permit, and upon presentation of a certificate of
94 inspection. The permit shall be valid for the calendar year in which issued.

95 25-15-127.

96 The owner shall maintain up-to-date maintenance, inspection, and repair records between
97 inspection periods for the trampoline park in accordance with such standards and
98 regulations as are adopted pursuant to this article. Such records shall contain a copy of all
99 inspection reports commencing with the last annual inspection, a description of all
100 maintenance performed, and a description of any mechanical or structural failures or
101 operational breakdowns and the types of actions taken to rectify these conditions.

102 25-15-128.

103 (a) No person shall be permitted to operate a trampoline park unless he or she is at least 16
104 years of age. An operator shall be in attendance at all times when a trampoline park is in
105 operation.

106 (b) No trampoline in use at a trampoline park shall be operated at standards below those
107 recommended by the manufacturer of such trampoline or below the standards and
108 regulations adopted or variants approved by the office, whichever is greater.

109 25-15-129.

110 An owner shall report to the office any accident incurred during the operation of any
111 trampoline park resulting in a fatality or an injury requiring medical attention from a
112 licensed medical facility. The report shall be in writing, shall describe the nature of the
113 occurrence and injury, and shall be delivered in person or mailed by first-class mail no later
114 than the close of the next business day following the accident, unless other delivery
115 methods are approved in standards and regulations adopted by the office. Any accident
116 resulting in a fatality shall also be reported immediately to the office in person or by phone
117 in accordance with standards and regulations adopted by the office.

118 25-15-130.

119 (a) No person shall operate a trampoline park unless at the time there is in existence:

120 (1) A policy of insurance in an amount not less than \$1 million against liability for injury
121 to persons arising out of the operation of the trampoline park;

122 (2) A bond in a like amount; provided, however, that the aggregate liability of the surety
123 under such bond shall not exceed the face amount thereof; or

124 (3) Cash or other security acceptable to the office.

125 (b) Standards and regulations under this article shall permit appropriate deductibles or
126 self-insured retention amounts to such policies of insurance. The policy or bond shall be
127 procured from one or more insurers or sureties acceptable to the office.

128 25-15-131.

129 If any person would incur practical difficulties or unnecessary hardships in complying with
130 the standards and regulations adopted pursuant to this article, or if any person is aggrieved
131 by any order issued by the office, the person may make a written application to the office
132 stating his or her grounds and applying for a variance. The office may grant such a
133 variance in the spirit of the provisions of this article with due regard to public safety. The
134 granting or denial of a variance by the office shall be in writing and shall describe the
135 conditions under which the variance is granted or the reasons for denial. A record shall be
136 kept of all variances granted by the office, and such record shall be open to inspection by
137 the public.

138 25-15-132.

139 (a) The Commissioner or his or her authorized representative may issue a written order for
140 the temporary cessation of operation of a trampoline park if it has been determined after
141 inspection to be hazardous or unsafe. Operations shall not resume until such conditions are
142 corrected to the satisfaction of the Commissioner or his or her authorized representative.

143 (b) In the event that an owner or operator knowingly allows the operations of a trampoline
144 park after the issuing of a temporary cessation, the Commissioner or his or her authorized
145 representative may initiate in the superior court any action for an injunction or writ of
146 mandamus upon the petition of the district attorney or Attorney General. An injunction,
147 without bond, may be granted by the superior court to the Commissioner for the purpose
148 of enforcing this article.

149 (c)(1) Any person, firm, partnership, or corporation violating the provisions of this article
150 shall be guilty of a misdemeanor. Each day of violation shall constitute a separate
151 offense.

152 (2) In addition to the penalty provisions in paragraph (1) of this subsection, the
153 Commissioner shall have the power, after notice and hearing, to levy civil penalties as
154 prescribed in the standards and regulations of the office in an amount not to exceed
155 \$5,000.00 upon any person, firm, partnership, or corporation failing to adhere to the
156 requirements of this article and the standards and regulations promulgated under this
157 article. The imposition of a penalty for a violation of this article or the standards and
158 regulations promulgated under this article shall not excuse the violation or permit it to
159 continue.

160 25-15-133.

161 An owner or operator may deny entry to a person to a trampoline park if in the owner's or
162 operator's opinion the entry may jeopardize the safety of such person or the safety of any
163 other person. Nothing in this Code section shall permit an owner or operator to deny an
164 inspector access to a trampoline park when such inspector is acting within the scope of his
165 or her duties under this article.

166 25-15-134.

167 (a) An owner or operator shall post a clearly visible sign at the location of each ride and
168 at the location of tickets sales which states any age, weight, or height requirements of the
169 trampoline park or any particular trampoline which are necessary as a safeguard against
170 injury.

171 (b) It shall be unlawful for any owner or operator to permit entry to a trampoline park or
172 the use of a particular trampoline to any person who does not meet the posted age, weight,
173 and height requirements.

174 25-15-135.

175 Neither this article nor any provision of this article shall be construed to place any liability
176 on the State of Georgia, the office, or the Commissioner with respect to any claim by any
177 person, firm, or corporation relating in any way whatsoever to trampoline parks and any
178 injury or damages arising therefrom.

179 25-15-136.

180 No county, municipality, or other political subdivision shall have the power to pass
181 ordinances, resolutions, or other requirements regulating the construction, installation,
182 inspection, maintenance, repair, or operation of trampoline parks within the limits of such
183 county, municipality, or other political subdivision. Any such ordinances, resolutions, or
184 other requirements shall be void and of no effect; provided, however, that the provisions
185 of this Code section shall not apply to local zoning ordinances or ordinances regulating
186 location, siting requirements, or other development standards or conditions relative to
187 trampoline parks or their time of operation or noise levels generated. Nothing in this article
188 preempts the imposition of regulatory fees or occupation taxes imposed by counties and
189 municipalities pursuant to Chapter 13 of Title 48."

190 **SECTION 3.**

191 This Act shall become effective on July 1, 2016.

192

SECTION 4.

193 All laws and parts of laws in conflict with this Act are repealed.