

"TRAMPOLINE COURT SAFETY ACT"

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Senate Bill 475 (Reported as Substitute H-2)

Sponsor: Sen. Dave Hildenbrand

(Enacted as Public Act 11 of 2014)

House Committee: Commerce

Senate Committee: Economic Development

Complete to 1-14-14

A SUMMARY OF SENATE BILL 475 AS REPORTED FROM HOUSE COMMITTEE

The bill would create the "Trampoline Court Safety Act" to do the following:

- Specify requirements that a trampoline court operator would have to meet.
- Specify the requirements a "trampoliner" must meet. A "trampoliner" is an individual in a trampoline court for the purpose of trampolining. [This summary refers to them as trampoline users.]
- Stipulate that an individual who participates in trampolining is accepting the dangers that inhere in that activity insofar as the dangers are obvious and necessary. Those dangers include, but are not limited to, injuries resulting from collisions with other trampoline users or other spectators, from falls, or from landing on the trampoline, pad, or platform. The inherent dangers also include injuries involving objects or artificial structures properly within the intended travel of the trampoline user that were not otherwise attributable to the operator's breach of common law duties.
- Specify that a trampoline user, spectator, or operator who violated the proposed act would be liable in a civil action for damages for the portion of the loss or damage that resulted from the violation.

[Note: The proposed act bears some similarity to the 1988 Roller Skating Safety Act, MCL 445.1721 et al.]

Trampoline Court

"Trampoline court" refers to a defined area that contains one or more institutional trampolines or a series of institutional trampolines, a trampoline court foam pit, or a series of trampoline court foam pits. A "trampoline court foam pit" would be a combination style dismount pit designed with a rebound device, covered with loose impact-absorbing blocks used in a trampoline court intended for use in a commercial or institutional facility.

Exemption for Gymnastics Clubs and Facilities (New in House Substitute)

The House substitute as reported from the Commerce Committee contains an exemption for certain gymnastic clubs and facilities. The proposed act would not apply to a person that operates a club or facility to which all of the following apply:

- The majority of activities are gymnastics-based.
- The majority of the revenue is derived through supervised educational instruction classes or programs in which the student-to-coach or instructor ratio is based on age, skill level, and number of students.
- Gymnastic skills and basics are taught at the gymnastics club or facility through programs that use progression-oriented training and by supervised training and classes.

Operator Requirements

An operator would be required to do all of the following:

- Post, in conspicuous places, the duties of trampoline users and spectators, and the duties, obligations, and liabilities of operators, as prescribed in the proposed act.
- Comply with the safety standards specified in the "Standard Practice for Design, Manufacture, Installation, Operation, Maintenance, Inspection and Major Modification of Trampoline Courts" published in 2013 by the American Society for Testing and Materials.
- Maintain the trampoline court according to those safety standards referred to above.
- Maintain the stability and legibility of all required signs, symbols, and posted notices.
- Convey to trampoline users the substance of their responsibility requirements under the proposed act.

An operator also would have to deliver instructions concerning trampoline court rules to trampoline users before they participated on the trampoline court. The instructions could be delivered using video, audio, or computer-based programs, prerecorded spiel, a written document, signage, verbal instruction, or other delivery method approved by the operator.

("Operator" would mean a person who owns or controls or who has operational responsibility for a trampoline court.)

Trampoliner Requirements

While in a trampoline court, a trampoline user would have to do all of the following:

- Maintain reasonable control of his or her speed and course at all times. [Note: this appears to have been picked up from the 1988 Roller Skating Safety Act.]
- Read and follow all posted signs and warnings.
- Avoid bodily contact with other trampoline users or spectators.
- Not run on trampolines, over pads, or on platforms.
- Refrain from acting in a manner that could cause injury to others.
- Not participate in a trampoline court when under the influence of drugs or alcohol.
- Properly use all trampoline court safety equipment provided.
- Remove inappropriate attire, including hard, sharp, or dangerous objects, such as buckles, pens, purses, or badges.

- Conform with or meet height, weight, or age restrictions imposed by the operator to use or participate in the trampoline court activity.
- Avoid crowding or overloading individual sections of the trampoline court.
- Use the trampoline court within his or her own limitations, training, and acquired skills.
- Avoid landing on the head or neck.

In addition, a trampoline user could not participate in or on any trampoline court if he or she had a pre-existing medical condition, a bone condition, a circulatory condition, a heart or lung condition, a back or neck condition, high blood pressure, or a history of spine, musculoskeletal, or head injury, if he or she had recent surgery, or if she might be pregnant.

Inherent Dangers

The act stipulates that a person who participated in trampolining is accepting the dangers that inheres in that activity insofar as the dangers are obvious and necessary. Those dangers include, but are not be limited to, injuries resulting from collisions with other trampoline users or other spectators, from falls, or from landing on the trampoline, pad, or platform.

The inherent dangers also include injuries involving objects or artificial structures properly within the intended travel of the trampoline user that were not otherwise attributable to the operator's breach of common law duties.

Civil Liability

A trampoline user, spectator, or operator who violated the proposed act would be liable in a civil action for damages for the portion of the loss or damage that resulted from the violation.

FISCAL IMPACT:

The bill does not appear to have any significant state or local fiscal impact.

Legislative Analyst: Chris Couch

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.