

By: Turner

H.B. No. 2252

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of trampoline courts; authorizing fees; creating criminal offenses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle D, Title 13, Occupations Code, is amended by adding Chapter 2152 to read as follows:

CHAPTER 2152. REGULATION OF TRAMPOLINE COURTS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 2152.001. DEFINITIONS. In this chapter:

(1) "Commissioner" means the commissioner of insurance.

(2) "Department" means the Texas Department of Insurance.

(3) "Trampoline court" means a commercial facility with a defined area containing one or more trampolines, a series of trampolines, a trampoline court foam pit, or a series of trampoline court foam pits. The term does not include a gymnastic training facility that only uses trampolines or trampoline court foam pits during the supervised instruction of gymnastic skills.

(4) "Trampoline court foam pit" means a trampoline dismount area filled with loose, impact-absorbing foam blocks.

SUBCHAPTER B. DEPARTMENT POWERS AND DUTIES

Sec. 2152.051. GENERAL POWERS AND DUTIES. The commissioner shall administer and enforce this chapter.

1       Sec. 2152.052. FEES. The commissioner may assess fees in  
2 the amounts reasonable and necessary to cover the costs of  
3 administering this chapter, not to exceed \$40 per year, for each  
4 trampoline court subject to this chapter.

5       Sec. 2152.053. INFORMATION REQUEST. (a) The department  
6 may request from a person operating a trampoline court or a sponsor,  
7 lessor, landowner, or other person responsible for offering the use  
8 of a trampoline court to the public information concerning whether  
9 the trampoline court is subject to the insurance requirements of  
10 this chapter.

11       (b) The person shall respond to the information request not  
12 later than the 15th day after the date the department makes the  
13 request.

14               SUBCHAPTER C. OPERATION OF TRAMPOLINE COURTS

15       Sec. 2152.101. REQUIREMENTS FOR OPERATION. (a) A person  
16 may not operate a trampoline court unless the person:

17               (1) has the trampoline court inspected at least once a  
18 year by an insurer or a person with whom the insurer contracts;

19               (2) obtains written certification from the insurer or  
20 contracted person stating that the trampoline court:

21                       (A) has been inspected;

22                       (B) meets the standards for insurance coverage;

23 and

24                       (C) is covered by the insurance required by  
25 Subdivision (3);

26               (3) has an insurance policy currently in effect  
27 written by an insurance company authorized to conduct business in

1 this state or by a surplus lines insurer, as defined by Chapter 981,  
2 Insurance Code, or has an independently procured policy subject to  
3 Chapter 101, Insurance Code, insuring the owner or operator against  
4 liability for injury to persons arising out of the use of the  
5 trampoline court in an amount not less than a \$500,000 per  
6 occurrence combined single limit with \$1 million in aggregate for  
7 all liability claims occurring in a policy year;

8 (4) files with the commissioner, as required by this  
9 chapter, the inspection certificate and the insurance policy or a  
10 photocopy of the certificate or policy authorized by the  
11 commissioner; and

12 (5) files with each sponsor, lessor, landowner, or  
13 other person responsible for offering the use of the trampoline  
14 court to the public a photocopy of the inspection certificate and  
15 the insurance policy required by this subsection.

16 (b) The inspection certificate and the insurance policy  
17 must be filed with the department:

18 (1) before July 1 of each year; or

19 (2) for a trampoline court inspected more than once a  
20 year, not later than the 15th day after the date of each inspection.

21 (c) A local government may satisfy the insurance  
22 requirement prescribed by Subsection (a) by obtaining liability  
23 coverage through an interlocal agreement.

24 (d) A person operating a trampoline court shall satisfy the  
25 reporting requirements of Section 2151.103 as applied to the  
26 trampoline court.

1                   SUBCHAPTER D. ENFORCEMENT PROVISIONS

2                   Sec. 2152.151. PROHIBITION OF TRAMPOLINE COURT OPERATION.

3                   (a) A municipal, county, or state law enforcement official may  
4 immediately prohibit operation of a trampoline court if:

5                   (1) the operator of the trampoline court is unable to  
6 provide the inspection certificate and the insurance policy  
7 required by Section 2152.101 or a photocopy of the inspection  
8 certificate or insurance policy;

9                   (2) the law enforcement official reasonably believes  
10 the trampoline court is not in compliance with Section 2152.101; or

11                   (3) the operation of the trampoline court, conduct of  
12 a person operating the trampoline court, or any other circumstance  
13 causes the law enforcement official to reasonably believe that the  
14 trampoline court is unsafe or the safety of a person on the  
15 trampoline court is threatened.

16                   (b) If the operation of a trampoline court is prohibited  
17 under Subsection (a)(1) or (2), a person may not operate the  
18 trampoline court unless:

19                   (1) the operator presents to the appropriate  
20 municipal, county, or state law enforcement official proof of  
21 compliance with Section 2152.101; or

22                   (2) the commissioner or the commissioner's designee  
23 determines that on the date the trampoline court's operation was  
24 prohibited the operator had on file with the department the  
25 documents required by Section 2152.101 and issues a written  
26 statement permitting the trampoline court to resume operation.

27                   (c) If on the date a trampoline court's operation is

1 prohibited under Subsection (a)(3) the trampoline court is not in  
2 compliance with Section 2152.101, a person may not operate the  
3 trampoline court until after the person subsequently complies with  
4 Section 2152.101.

5 (d) If on the date a trampoline court's operation is  
6 prohibited under Subsection (a)(3) the trampoline court is in  
7 compliance with Section 2152.101, a person may not operate the  
8 trampoline court until:

9 (1) on-site safety corrections are made;

10 (2) an order from a district judge, county judge,  
11 judge of a county court at law, justice of the peace, or municipal  
12 judge permits the trampoline court to resume operation; or

13 (3) an insurance company insuring the trampoline court  
14 on the date the trampoline court's operation was prohibited:

15 (A) reinspects the trampoline court in the same  
16 manner required by Section 2152.101; and

17 (B) delivers to the commissioner or the  
18 commissioner's designee and the appropriate law enforcement  
19 official a reinspection certificate:

20 (i) stating that the required reinspection  
21 has occurred;

22 (ii) stating that the trampoline court  
23 meets coverage standards and is covered by insurance in compliance  
24 with Section 2152.101; and

25 (iii) explaining any necessary repairs made  
26 to the trampoline court after its operation was prohibited.

27 Sec. 2152.152. CRIMINAL OFFENSES. (a) A person commits an

1 offense if the person fails to comply with any requirement of:

2 (1) Section 2151.103, 2152.101, or 2152.151(b), (c),  
3 or (d); or

4 (2) a rule adopted by the commissioner.

5 (b) A person commits an offense if the person:

6 (1) is a sponsor, lessor, landowner, or other person  
7 responsible for offering the use of a trampoline court to the  
8 public; and

9 (2) does not provide the information required under  
10 Section 2152.053 or provides false information under Section  
11 2152.053.

12 (c) An offense under this section is a Class B misdemeanor.

13 (d) Each day a violation of this chapter is committed  
14 constitutes a separate offense.

15 (e) The prosecuting attorney in a case in which a person is  
16 convicted of an offense under this section shall report the offense  
17 to the department not later than the 90th day after the date of the  
18 conviction.

19 SECTION 2. The commissioner of insurance shall adopt rules  
20 necessary to implement Chapter 2152, Occupations Code, as added by  
21 this Act, not later than December 1, 2023.

22 SECTION 3. (a) Except as provided by Subsection (b) of this  
23 section, this Act takes effect December 1, 2023.

24 (b) Section 2 of this Act takes effect September 1, 2023.