As Introduced

133rd General Assembly
Regular Session 2019-2020

Representatives Wilkin, Swearingen

Cosponsors: Representatives Seitz, Cross, Carfagna, Baldridge, Roemer, Stein, Riedel, Romanchuk, Smith, T., Plummer, Stoltzfus, Lipps, Kick, Jordan, McClain, Blair

A BILL

To enact section 3729.15 of the Revised Code to provide a qualified immunity to camp operators for harm arising from a risk inherent to camping.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 3729.15 of the Revised Code be enacted to read as follows:

Sec. 3729.15. (A) As used in this section:

(1) "Harm" means injury, death, or loss to person or property.

(2) "Risk inherent to camping" means a danger or condition that is an integral part of camping, including a danger posed by any of the following:

(a) Features of the natural world such as trees, tree stumps, roots, brush, rocks, mud, sand, and soil;

(b) Uneven or unpredictable terrain;
(c) A body of water that is not operated or maintained as a swimming pool in accordance with section 3749.04 of the Revised Code; 

(d) A camper or visitor at the recreational vehicle park, recreation camp, combined park-camp, or temporary park-camp acting in a negligent manner; 

(e) A lack of lighting, including at a campsite; 

(f) Campfires; 

(g) Weather; 

(h) Insects, birds, and other wildlife not kept by or under the control of the camp operator; 

(i) The behavior or actions of domestic animals not kept by or under the control of the camp operator; 

(j) The ordinary dangers associated with structures or equipment ordinarily used in camping and not owned or maintained by the camp operator; 

(k) A camper or visitor acting in a negligent manner, including failing to follow instructions given by a camp operator or failing to exercise reasonable caution while engaging in the campground activity, that contributes to harm to that camper or visitor or another camper or visitor. 

(B) Except as provided in division (C) of this section, a camp operator shall be immune from liability in a civil action for any harm to a camper or visitor resulting from a risk inherent to camping. Nothing in this section requires a camp operator to eliminate risks inherent to camping. 

(C) A camp operator shall not be immune from civil
liability under division (B) of this section for harm to a camper or visitor if any of the following applies in relation to that harm:

(1) The camp operator acts with a willful or wanton disregard for the safety of the camper or visitor and the action proximately causes harm to the camper or visitor.

(2) The camp operator purposefully causes harm to the camper or visitor.

(3) The camp operator's actions or inactions constitute criminal conduct and cause harm to the camper or visitor.

(4) The camp operator fails to post and maintain signage as required by division (D) of this section.

(5) Both of the following apply:

(a) The camp operator has actual knowledge or should have actual knowledge of an existing dangerous condition on the land or regarding facilities or equipment on the land that is not a risk inherent to camping and does not make the dangerous condition known to the camper or visitor.

(b) The dangerous condition proximately causes harm to the camper or visitor.

(D) A camp operator shall post a clearly visible sign at or near each entrance to a recreational vehicle park, recreation camp, combined park-camp, or temporary park-camp that states the following:

"WARNING: Under Ohio law, camp operators are not liable for harm resulting from risks inherent to camping. These risks include, but are not limited to, injury caused by land features, equipment, animals, or the negligent actions of a camper or visitor."
visitor. You are assuming the risk of participating in campground activities."