



Representative Shane Wilkin

91st House District

Representative D.J. Swearingen

89th House District

Sponsor Testimony House Bill 355

Chairman Hambley, Vice Chair Patton, and Ranking Member Brown thank you for the opportunity to testify to House Bill 355. This bill would greatly assist camp operators by granting them qualified immunity from civil liability for any harm to a camper or visitor that results from a risk inherent to camping. H.B. 355 also defines the type of risks that qualify as a *risk inherent to camping* as well as the activities that do not qualify for immunity under this bill. House Bill 355 also mandates camp operators notify campers and visitors near or at every campground entrance that the camp operator is not liable for harm resulting from risks inherent to camping.

This bill codifies needed protections for camp operators. Camping, while an enjoyable and generally safe activity does come with the risks inherent to any outdoor activity, especially the dangers posed by interacting with features of the natural world. Mud, plants, roots, uneven or unpredictable terrain and the weather are all things a camper or visitor can reasonably expect to encounter during their stay. ‘Risks inherent to camping’ also includes the danger posed by a

campfire, wildlife and equipment commonly used in camping not owned by camp operator, as well as another camper or visitor acting in a negligent manner.

This bill also clarifies which actions by a camp operator do not qualify for immunity. A camp operator would have no immunity from civil liability for harm to a camper if (1) the camp operator acts with a willful or wanton disregard for the safety of the camper, (2) the camp operator intentionally causes harm, (3) the camp operator's actions or inactions constitute criminal conduct, (4) the camp instructor fails to post and/or maintain the aforementioned notice, or (5) the camp operator has or should have knowledge of an existing danger that is *not* a risk inherent to camping and does not disclose the dangerous condition to the camper.

With these added clarifications camp operators can expect to be reasonably protected from frivolous lawsuits. Coupling this with a required notice and more detailed outlining of what risks are in fact not inherent to camping will offer needed security to campers as well. With these changes it is Representative Wilkin and I's hope and expectation that the healthy and increasingly popular hobby of camping continues to flourish in Ohio.