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November 4, 2019

The Honorable Stephen D. Hambley
Chair, House Civil Justice Committee
Ohio House of Representatives

Re: HB 355 – Qualified immunity for campground operators

Dear Chairman Hambley, Vice Chairman Patton, Ranking Member Brown and members,

The Ohio Association for Justice generally opposes special legal protections such as civil immunity. We believe in the 7th Amendment, which guarantees our constitutional right to civil justice for all. However, on HB 355, OAJ has chosen not to oppose the bill, but is instead working as an interested party with the bill's sponsors on amendments that will tighten the scope of immunity.

HB 355 is modeled after a 2015 law that granted qualified immunity for agritourism activities. When the agritourism immunity legislation was considered, OAJ worked cooperatively with the Ohio Farm Bureau to ensure safeguards were in place. In that same spirit, OAJ is working with the bill's sponsors, Rep. Wilkin and Rep. Swearingen, and with representatives of the Ohio Campground Owners Association, to narrow this immunity in a couple respects.

In a recent interested party meeting, OAJ suggested several changes to HB 355:

1. Delineate campground activities from recreational activities that are not integral to camping. OAJ acknowledges there are risks inherent to camping, such as darkness, campfires, streams or ponds, and wildlife, for which the camper assumes risk. However, OAJ believes recreational activities that are not essential to camping, but might be features of a campground, such as zip lines, rock climbing or archery, should not be granted immunity. The legislation should state that such recreational activities are not granted immunity.
2. Require campers bringing domestic animals, especially dogs, on the campground to keep the animal(s) on a leash or be contained at all times. Campground owners, as owners of the entire property, are likely to be found liable for injuries or damages caused by dogs roaming freely through the campground. At a minimum, campers and visitors must be notified that they are required to control their animals at all times, and campground owners must enforce this requirement.
3. Reword the required warning sign to conform more closely to the warning sign required of agritourism operators.

OAJ expects amendments will be offered to HB 355 in the near future that address these points.

Thank you for considering the OAJ's views on HB 355.

Sincerely,

A handwritten signature in blue ink that reads "John Van Doorn". The signature is fluid and cursive.

John Van Doorn