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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

H.B. 355
133rd General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. Wilkin and Swearingen

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SUMMARY

- Provides a qualified immunity from civil liability to camp operators for any harm to a camper or visitor that results from a risk inherent to camping.
- Defines the type of risks that qualify as a *risk inherent to camping*.
- Describes the types of activities by a camp operator that do not qualify for immunity under the bill.
- Requires camp operators to post a clearly visible sign at or near each entrance to a campground notifying those entering that the camp operator is not liable for harm resulting from risks inherent to camping.

DETAILED ANALYSIS

Qualified immunity for camp operators

The bill provides camp operators a qualified immunity from civil liability for any *harm* to a camper or visitor that results from a *risk inherent to camping*. A “camp operator” is the operator of a recreational vehicle park, recreation camp, combined park-camp, or temporary park-camp (collectively, a “campground”). Under the bill, “harm” is defined as an injury, death, or loss to person or property.¹

Risk inherent to camping

The bill defines “risk inherent to camping” as a danger or condition that is an integral part of camping, including a danger posed by features of the natural world such as plants, roots,

¹ R.C. 3729.15(A)(1) and (B) and R.C. 3729.01, not in the bill.

and mud, uneven or unpredictable terrain, a body of water that is not a swimming pool, and the weather. “Risk inherent to camping” also includes:

- A lack of lighting, including at a campsite;
- Campfires;
- Wildlife not kept by or under the control of the camp operator;
- The behavior or actions of domestic animals not kept by or under the control of the camp operator;
- The ordinary dangers associated with structures or equipment ordinarily used in camping and not owned or maintained by the camp operator;
- A camper or visitor acting in a negligent manner that contributes to harm to that camper or visitor or another camper or visitor, including failing to follow instructions given by a camp operator or failing to exercise reasonable caution while engaging in a campground activity.²

Actions by camp operator that does not qualify for immunity

The bill does not require a camp operator to eliminate risks inherent to camping.³ But, the bill explicitly provides that a camp operator does not have immunity from civil liability for harm to a camper or visitor if (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 the harm, (3) the camp operator’s actions or inactions constitute criminal conduct and cause harm, (4) the camp operator fails to post and maintain signage as required by the bill (see “**Notice requirement**” below), or (5) 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 and the dangerous condition proximately causes harm to the camper or visitor.⁴

² R.C. 3729.15(A) and (B).

³ R.C. 3729.15(B).

⁴ R.C. 3729.15(C).

Notice requirement

The bill requires camp operators to post a clearly visible sign at or near each entrance to the campground 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. You are assuming the risk of participating in campground activities.⁵

HISTORY

Action	Date
Introduced	10-03-19

H0355-I-133/ec

⁵ R.C. 3729.15(D).