

As Introduced

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H. B. No. 355

Representatives Wilkin, Swearingen

Cosponsors: Representatives Seitz, Cross, Carfagna, Baldrige, 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. 1 2 3 4

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: 5 6

Sec. 3729.15. (A) As used in this section: 7

(1) "Harm" means injury, death, or loss to person or
property. 8 9

(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: 10 11 12

(a) Features of the natural world such as trees, tree
stumps, roots, brush, rocks, mud, sand, and soil; 13 14

(b) Uneven or unpredictable terrain; 15

(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; 16
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(d) A camper or visitor at the recreational vehicle park, recreation camp, combined park-camp, or temporary park-camp acting in a negligent manner; 19
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(e) A lack of lighting, including at a campsite; 22

(f) Campfires; 23

(g) Weather; 24

(h) Insects, birds, and other wildlife not kept by or under the control of the camp operator; 25
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(i) The behavior or actions of domestic animals not kept by or under the control of the camp operator; 27
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(j) The ordinary dangers associated with structures or equipment ordinarily used in camping and not owned or maintained by the camp operator; 29
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(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. 32
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(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. 37
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(C) A camp operator shall not be immune from civil 42

liability under division (B) of this section for harm to a 43
camper or visitor if any of the following applies in relation to 44
that harm: 45

(1) The camp operator acts with a willful or wanton 46
disregard for the safety of the camper or visitor and the action 47
proximately causes harm to the camper or visitor. 48

(2) The camp operator purposefully causes harm to the 49
camper or visitor. 50

(3) The camp operator's actions or inactions constitute 51
criminal conduct and cause harm to the camper or visitor. 52

(4) The camp operator fails to post and maintain signage 53
as required by division (D) of this section. 54

(5) Both of the following apply: 55

(a) The camp operator has actual knowledge or should have 56
actual knowledge of an existing dangerous condition on the land 57
or regarding facilities or equipment on the land that is not a 58
risk inherent to camping and does not make the dangerous 59
condition known to the camper or visitor. 60

(b) The dangerous condition proximately causes harm to the 61
camper or visitor. 62

(D) A camp operator shall post a clearly visible sign at 63
or near each entrance to a recreational vehicle park, recreation 64
camp, combined park-camp, or temporary park-camp that states the 65
following: 66

"WARNING: Under Ohio law, camp operators are not liable 67
for harm resulting from risks inherent to camping. These risks 68
include, but are not limited to, injury caused by land features, 69
equipment, animals, or the negligent actions of a camper or 70

visitor. You are assuming the risk of participating in
campground activities."

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