

As Reported by the House Civil Justice Committee

133rd General Assembly

Regular Session

2019-2020

Sub. 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, Hambley

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) "Camp operator" means a public or private operator of
a recreational vehicle park, recreation camp, combined park-
camp, or temporary park-camp.

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

(3)(a) "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:

<u>(i) Features of the natural world such as trees, tree</u>	16
<u>stumps, roots, brush, rocks, mud, sand, and soil;</u>	17
<u>(ii) Uneven or unpredictable terrain;</u>	18
<u>(iii) A body of water that is not operated or maintained</u>	19
<u>as a swimming pool in accordance with section 3749.04 of the</u>	20
<u>Revised Code;</u>	21
<u>(iv) A camper or visitor at the recreational vehicle park,</u>	22
<u>recreation camp, combined park-camp, or temporary park-camp</u>	23
<u>acting in a negligent manner;</u>	24
<u>(v) A lack of lighting, including at a campsite;</u>	25
<u>(vi) Campfires;</u>	26
<u>(vii) Weather;</u>	27
<u>(viii) Insects, birds, and other wildlife not kept by or</u>	28
<u>under the control of the camp operator;</u>	29
<u>(ix) The behavior or actions of domestic animals not kept</u>	30
<u>by or under the control of the camp operator, provided the camp</u>	31
<u>operator has a pet policy requiring the animal owner to keep the</u>	32
<u>pet on a leash or contained and under the pet owner's control;</u>	33
<u>(x) The ordinary dangers associated with structures or</u>	34
<u>equipment ordinarily used in camping and not owned or maintained</u>	35
<u>by the camp operator;</u>	36
<u>(xi) A camper or visitor acting in a negligent manner,</u>	37
<u>including failing to follow instructions given by a camp</u>	38
<u>operator or failing to exercise reasonable caution while</u>	39
<u>engaging in the campground activity, that contributes to harm to</u>	40
<u>that camper or visitor or another camper or visitor.</u>	41
<u>(b) "Risk inherent to camping" does not include</u>	42

recreational activities within the control of the camp operator. 43

(B) Except as provided in division (C) of this section, a 44
camp operator shall be immune from liability in a civil action 45
for any harm to a camper or visitor resulting from a risk 46
inherent to camping. Nothing in this section requires a camp 47
operator to eliminate risks inherent to camping. 48

(C) A camp operator shall not be immune from civil 49
liability under division (B) of this section for harm to a 50
camper or visitor if any of the following applies in relation to 51
that harm: 52

(1) The camp operator acts with a willful or wanton 53
disregard for the safety of the camper or visitor and the action 54
proximately causes harm to the camper or visitor. 55

(2) The camp operator purposefully causes harm to the 56
camper or visitor. 57

(3) The camp operator's actions or inactions constitute 58
criminal conduct and cause harm to the camper or visitor. 59

(4) The camp operator fails to post and maintain signage 60
as required by division (D) of this section. 61

(5) Both of the following apply: 62

(a) The camp operator has actual knowledge or should have 63
actual knowledge of an existing dangerous condition on the land 64
or regarding facilities or equipment on the land that is not a 65
risk inherent to camping and does not make the dangerous 66
condition known to the camper or visitor. 67

(b) The dangerous condition proximately causes harm to the 68
camper or visitor. 69

(D) A camp operator shall post a clearly visible sign at 70
or near each entrance to a recreational vehicle park, recreation 71
camp, combined park-camp, or temporary park-camp that states the 72
following: 73

"WARNING: Under Ohio law, there is no liability for an 74
injury to or death of a camper or visitor to this campground if 75
that injury or death results from the risk inherent to camping. 76
Inherent risks to camping include, but are not limited to, the 77
risk of injury inherent to land features, equipment, animals, or 78
the negligent actions of the camper or visitor. You are assuming 79
the risk of participating in camping." 80