

**As Passed by the House**

**134th General Assembly**

**Regular Session**

**2021-2022**

**Sub. H. B. No. 229**

**Representatives Wilkin, Swearingen**

**Cosponsors: Representatives Carfagna, Cross, Edwards, Johnson, Jones, Jordan, Kick, LaRe, Lipps, Merrin, Pavliga, Richardson, Riedel, Seitz, Stoltzfus, Hillyer, Baldrige, Bird, Carruthers, Click, Creech, Cutrona, Ghanbari, Ginter, Gross, Householder, John, McClain, Schmidt, Wiggam, Young, T.**

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**A BILL**

To amend section 3729.05 and to enact section 1  
3729.15 of the Revised Code to provide a 2  
qualified immunity to camp operators for harm 3  
arising from a risk inherent to camping and to 4  
exempt sites that host historical reenactor 5  
camps from the recreational and camping 6  
operation license requirements. 7

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 3729.05 be amended and section 8  
3729.15 of the Revised Code be enacted to read as follows: 9

**Sec. 3729.05.** (A) (1) Except as otherwise provided in this 10  
section, on or after the first day of April, but before the 11  
first day of May of each year, every person who intends to 12  
operate a recreational vehicle park, recreation camp, or 13  
combined park-camp shall procure a license to operate the park 14  
or camp from the licensor. If the applicable license fee 15  
prescribed under section 3729.07 of the Revised Code is not 16

received by the licensor by the close of business on the last 17  
day of April, the applicant for the license shall pay a penalty 18  
equal to twenty-five per cent of the applicable license fee. The 19  
penalty shall accompany the license fee. If the last day of 20  
April is not a business day, the penalty attaches upon the close 21  
of business on the next business day. 22

(2) Every person who intends to operate a temporary park- 23  
camp shall obtain a license to operate the temporary park-camp 24  
from the licensor at any time before the person begins operation 25  
of the temporary park-camp during the calendar year. 26

(3) No recreational vehicle park, recreation camp, 27  
combined park-camp, or temporary park-camp shall be maintained 28  
or operated in this state without a license. However, no person 29  
who neither intends to receive nor receives anything of value 30  
arising from the use of, or the sale of goods or services in 31  
connection with the use of, a recreational vehicle park, 32  
recreation camp, combined park-camp, or temporary park-camp is 33  
required to procure a license under this division. If any health 34  
hazard exists at such an unlicensed park, camp, or park-camp, 35  
the health hazard shall be corrected in a manner consistent with 36  
the appropriate rule adopted under division (A) or (B) of 37  
section 3729.02 of the Revised Code. 38

(4) No person who has received a license under division 39  
(A) (1) of this section, upon the sale or disposition of the 40  
recreational vehicle park, recreation camp, or combined park- 41  
camp, may have the license transferred to the new operator. A 42  
person shall obtain a separate license to operate each 43  
recreational vehicle park, recreation camp, or combined park- 44  
camp. No license to operate a temporary park-camp shall be 45  
transferred. A person shall obtain a separate license for each 46

temporary park-camp that the person intends to operate, and the 47  
license shall be valid for a period of not longer than seven 48  
consecutive days. A person who operates a temporary park-camp on 49  
a tract of land for more than twenty-one days or parts thereof 50  
in a calendar year shall obtain a license to operate a 51  
recreational vehicle park, recreation camp, or combined park- 52  
camp. 53

(B) (1) Before a license is initially issued under division 54  
(A) (1) of this section and annually thereafter, or more often if 55  
necessary, the licensor shall cause each recreational vehicle 56  
park, recreation camp, or combined park-camp to be inspected to 57  
determine compliance with this chapter and rules adopted under 58  
it. A record shall be made of each inspection on a form 59  
prescribed by the director of health. 60

(2) When a license is initially issued under division (A) 61  
(2) of this section, and more often if necessary, the licensor 62  
shall cause each temporary park-camp to be inspected to 63  
determine compliance with this chapter and rules adopted under 64  
it during the period that the temporary park-camp is in 65  
operation. A record shall be made of each inspection on a form 66  
prescribed by the director. 67

(C) Each person applying for an initial license to operate 68  
a recreational vehicle park, recreation camp, combined park- 69  
camp, or temporary park-camp shall provide acceptable proof to 70  
the director, or to the licensor in the case of a temporary 71  
park-camp, that adequate fire protection will be provided and 72  
that applicable fire codes will be adhered to in the 73  
construction and operation of the park, camp, or park-camp. 74

(D) Any person that operates a county or state fair or any 75  
independent agricultural society organized pursuant to section 76

1711.02 of the Revised Code that operates a fair shall not be 77  
required to obtain a license under this chapter if recreational 78  
vehicles, portable camping units, or any combination of them are 79  
parked at the site of the fair only during the time of 80  
preparation for, operation of, and dismantling of the fair and 81  
if the recreational vehicles, portable camping units, or any 82  
combination of them belong to participants in the fair. 83

(E) The following entities that operate a fair and that 84  
hold a license issued under this chapter are not required to 85  
comply with the requirements normally imposed on a licensee 86  
under this chapter and rules adopted under it during the time of 87  
preparation for, operation of, and dismantling of the fair: 88

(1) A county agricultural society organized pursuant to 89  
section 1711.01 of the Revised Code; 90

(2) An independent agricultural society organized pursuant 91  
to section 1711.02 of the Revised Code; 92

(3) The Ohio expositions commission. 93

(F) A motorsports park is exempt from the license 94  
requirements established in divisions (A) (1) and (2) of this 95  
section if the motorsports park does both of the following: 96

(1) Holds at least one annual event sanctioned by the 97  
national association for stock car auto racing or the national 98  
hot rod association during a motor sports racing event; 99

(2) Provides parking for recreational vehicles, dependent 100  
recreational vehicles, and portable camping units that belong to 101  
participants in that event. 102

The exemption established in this division applies to 103  
participant-only areas during the time of preparation for and 104

operation of the event. 105

(G) A historical site, to which the Ohio history 106  
connection has title, is exempt from the license requirements 107  
established in divisions (A) (1) and (2) of this section if both 108  
of the following apply: 109

(1) The site hosts reenactors for any historical 110  
reenactment. 111

(2) The site provides parking for portable camping units 112  
that belong to the reenactors and their families. 113

The exemption established in this division applies only to 114  
areas designated for reenactment participants and for a total of 115  
seventy-two hours. The seventy-two-hour time period includes the 116  
time of preparation for, operation of, and dismantling of the 117  
reenactment event. 118

(H) A person subject to this chapter or rules adopted 119  
under it may apply to the director for a waiver or variance from 120  
a provision of this chapter or rules adopted under it. The 121  
director may grant a waiver or variance if the person 122  
demonstrates, to the satisfaction of the director, that the 123  
waiver or variance will not result in any adverse effect on the 124  
public health and safety. The director shall adopt rules in 125  
accordance with Chapter 119. of the Revised Code establishing 126  
requirements and procedures governing the application for and 127  
granting of a waiver or variance under this division. 128

**Sec. 3729.15. (A) As used in this section:** 129

(1) "Camp operator" means a public or private operator of 130  
a recreational vehicle park, recreation camp, combined park- 131  
camp, or temporary park-camp. 132

<u>(2) "Harm" means injury, death, or loss to person or property.</u>	133
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<u>(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>	135
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<u>(i) Features of the natural world such as trees, tree stumps, roots, brush, rocks, mud, sand, and soil;</u>	138
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<u>(ii) Uneven or unpredictable terrain;</u>	140
<u>(iii) A body of water that is not operated or maintained as a swimming pool in accordance with section 3749.04 of the Revised Code;</u>	141
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<u>(iv) A camper or visitor at the recreational vehicle park, recreation camp, combined park-camp, or temporary park-camp acting in a negligent manner;</u>	144
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<u>(v) A lack of lighting, including at a campsite;</u>	147
<u>(vi) Campfires;</u>	148
<u>(vii) Weather;</u>	149
<u>(viii) Insects, birds, and other wildlife not kept by or under the control of the camp operator;</u>	150
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<u>(ix) The behavior or actions of domestic animals not kept by or under the control of the camp operator, provided the camp operator has a pet policy requiring the animal owner to keep the pet on a leash or contained and under the pet owner's control;</u>	152
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<u>(x) The ordinary dangers associated with structures or equipment ordinarily used in camping and not owned or maintained by the camp operator;</u>	156
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<u>(xi) A camper or visitor acting in a negligent manner,</u>	159

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. 160  
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(b) "Risk inherent to camping" does not include recreational activities within the control of the camp operator. 164  
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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. 166  
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(C) A camp operator shall not be immune from civil liability under division (B) of this section for harm to a camper or visitor if any of the following applies in relation to that harm: 171  
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(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. 175  
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(2) The camp operator purposefully causes harm to the camper or visitor. 178  
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(3) The camp operator's actions or inactions constitute criminal conduct and cause harm to the camper or visitor. 180  
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(4) The camp operator fails to post and maintain signage as required by division (D) of this section. 182  
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(5) Both of the following apply: 184

(a) 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 185  
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risk inherent to camping and does not make the dangerous 188  
condition known to the camper or visitor. 189

(b) The dangerous condition proximately causes harm to the 190  
camper or visitor. 191

(D) A camp operator shall post a clearly visible sign at 192  
or near each entrance to a recreational vehicle park, recreation 193  
camp, combined park-camp, or temporary park-camp that states the 194  
following: 195

"WARNING: Under Ohio law, there is no liability for an 196  
injury to or death of a camper or visitor to this campground if 197  
that injury or death results from the risk inherent to camping. 198  
Inherent risks to camping include, but are not limited to, the 199  
risk of injury inherent to land features, equipment, animals, or 200  
the negligent actions of the camper or visitor. You are assuming 201  
the risk of participating in camping." 202

**Section 2.** That existing section 3729.05 of the Revised 203  
Code is hereby repealed. 204