

# AN ACT

To amend section 3729.05 and 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 and to exempt sites that host historical reenactor camps from the recreational and camping operation license requirements.

*Be it enacted by the General Assembly of the State of Ohio:*

SECTION 1. That section 3729.05 be amended and section 3729.15 of the Revised Code be enacted to read as follows:

Sec. 3729.05. (A)(1) Except as otherwise provided in this section, on or after the first day of April, but before the first day of May of each year, every person who intends to operate a recreational vehicle park, recreation camp, or combined park-camp shall procure a license to operate the park or camp from the licensor. If the applicable license fee prescribed under section 3729.07 of the Revised Code is not received by the licensor by the close of business on the last day of April, the applicant for the license shall pay a penalty equal to twenty-five per cent of the applicable license fee. The penalty shall accompany the license fee. If the last day of April is not a business day, the penalty attaches upon the close of business on the next business day.

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

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

(4) No person who has received a license under division (A)(1) of this section, upon the sale or disposition of the recreational vehicle park, recreation camp, or combined park-camp, may have the license transferred to the new operator. A person shall obtain a separate license to operate each recreational vehicle park, recreation camp, or combined park-camp. No license to operate a temporary park-camp shall be transferred. A person shall obtain a separate license for each temporary park-camp that the person intends to operate, and the license shall be valid for a period of not longer than seven consecutive days. A person who operates a temporary park-camp on a tract of land for more than twenty-one days or parts thereof in a calendar year shall obtain a license to operate a

recreational vehicle park, recreation camp, or combined park-camp.

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

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

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

(D) Any person that operates a county or state fair or any independent agricultural society organized pursuant to section 1711.02 of the Revised Code that operates a fair shall not be required to obtain a license under this chapter if recreational vehicles, portable camping units, or any combination of them are parked at the site of the fair only during the time of preparation for, operation of, and dismantling of the fair and if the recreational vehicles, portable camping units, or any combination of them belong to participants in the fair.

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

- (1) A county agricultural society organized pursuant to section 1711.01 of the Revised Code;
- (2) An independent agricultural society organized pursuant to section 1711.02 of the Revised Code;
- (3) The Ohio expositions commission.

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

- (1) Holds at least one annual event sanctioned by the national association for stock car auto racing or the national hot rod association during a motor sports racing event;
- (2) Provides parking for recreational vehicles, dependent recreational vehicles, and portable camping units that belong to participants in that event.

The exemption established in this division applies to participant-only areas during the time of preparation for and operation of the event.

(G) A site is exempt from the license requirements established in divisions (A)(1) and (2) of this section if both of the following apply:

- (1) The site hosts reenactors for any historical reenactment.
- (2) The site provides parking for portable camping units that belong to the reenactors and their families.

The exemption established in this division applies only to areas designated for reenactment participants and for a total of seven days. The seven-day time period includes the time of preparation for, operation of, and dismantling of the reenactment event.

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

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:

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

(ii) Uneven or unpredictable terrain;

(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;

(iv) A camper or visitor at the recreational vehicle park, recreation camp, combined park-camp, or temporary park-camp acting in a negligent manner;

(v) A lack of lighting, including at a campsite;

(vi) Campfires;

(vii) Weather;

(viii) Insects, birds, and other wildlife not kept by or under the control of the camp operator;

(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;

(x) The ordinary dangers associated with structures or equipment ordinarily used in camping and not owned or maintained by the camp operator;

(xi) 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.

(b) "Risk inherent to camping" does not include recreational activities within the control of the camp operator.

(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.

(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:

(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 harm to the camper or visitor.

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

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

(5) Both of the following apply:

(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 risk inherent to camping and does not make the dangerous condition known to the camper or visitor.

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

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

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

SECTION 2. That existing section 3729.05 of the Revised Code is hereby repealed.

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*Speaker* \_\_\_\_\_ *of the House of Representatives.*

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*President* \_\_\_\_\_ *of the Senate.*

Passed \_\_\_\_\_, 20\_\_\_\_

Approved \_\_\_\_\_, 20\_\_\_\_

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*Governor.*

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

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*Director, Legislative Service Commission.*

Filed in the office of the Secretary of State at Columbus, Ohio, on the \_\_\_\_ day of \_\_\_\_\_, A. D. 20\_\_\_\_.

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*Secretary of State.*

File No. \_\_\_\_\_ Effective Date \_\_\_\_\_