

As Reported by the House Civil Justice Committee

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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**

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 licenser 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 connection has title, is exempt from the license requirements established in divisions (A) (1) and (2) of this section if both of the following apply: 106
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(1) The site hosts reenactors for any historical reenactment. 110
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(2) The site provides parking for portable camping units that belong to the reenactors and their families. 112
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The exemption established in this division applies only to areas designated for reenactment participants and for a total of seventy-two hours. The seventy-two-hour time period includes the time of preparation for, operation of, and dismantling of the reenactment event. 114
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(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. 119
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Sec. 3729.15. (A) As used in this section: 129

(1) "Camp operator" means a public or private operator of a recreational vehicle park, recreation camp, combined park-camp, or temporary park-camp. 130
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(2) "Harm" means injury, death, or loss to person or property. 133
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<u>(3) (a) "Risk inherent to camping" means a danger or</u>	135
<u>condition that is an integral part of camping, including a</u>	136
<u>danger posed by any of the following:</u>	137
<u>(i) Features of the natural world such as trees, tree</u>	138
<u>stumps, roots, brush, rocks, mud, sand, and soil;</u>	139
<u>(ii) Uneven or unpredictable terrain;</u>	140
<u>(iii) A body of water that is not operated or maintained</u>	141
<u>as a swimming pool in accordance with section 3749.04 of the</u>	142
<u>Revised Code;</u>	143
<u>(iv) A camper or visitor at the recreational vehicle park,</u>	144
<u>recreation camp, combined park-camp, or temporary park-camp</u>	145
<u>acting in a negligent manner;</u>	146
<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</u>	150
<u>under the control of the camp operator;</u>	151
<u>(ix) The behavior or actions of domestic animals not kept</u>	152
<u>by or under the control of the camp operator, provided the camp</u>	153
<u>operator has a pet policy requiring the animal owner to keep the</u>	154
<u>pet on a leash or contained and under the pet owner's control;</u>	155
<u>(x) The ordinary dangers associated with structures or</u>	156
<u>equipment ordinarily used in camping and not owned or maintained</u>	157
<u>by the camp operator;</u>	158
<u>(xi) A camper or visitor acting in a negligent manner,</u>	159
<u>including failing to follow instructions given by a camp</u>	160
<u>operator or failing to exercise reasonable caution while</u>	161

engaging in the campground activity, that contributes to harm to 162
that camper or visitor or another camper or visitor. 163

(b) "Risk inherent to camping" does not include 164
recreational activities within the control of the camp operator. 165

(B) Except as provided in division (C) of this section, a 166
camp operator shall be immune from liability in a civil action 167
for any harm to a camper or visitor resulting from a risk 168
inherent to camping. Nothing in this section requires a camp 169
operator to eliminate risks inherent to camping. 170

(C) A camp operator shall not be immune from civil 171
liability under division (B) of this section for harm to a 172
camper or visitor if any of the following applies in relation to 173
that harm: 174

(1) The camp operator acts with a willful or wanton 175
disregard for the safety of the camper or visitor and the action 176
proximately causes harm to the camper or visitor. 177

(2) The camp operator purposefully causes harm to the 178
camper or visitor. 179

(3) The camp operator's actions or inactions constitute 180
criminal conduct and cause harm to the camper or visitor. 181

(4) The camp operator fails to post and maintain signage 182
as required by division (D) of this section. 183

(5) Both of the following apply: 184

(a) The camp operator has actual knowledge or should have 185
actual knowledge of an existing dangerous condition on the land 186
or regarding facilities or equipment on the land that is not a 187
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