

FIRST REGULAR SESSION

# HOUSE BILL NO. 72

## 101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DINKINS.

0533H.011

DANA RADEMAN MILLER, Chief Clerk

### AN ACT

To amend chapter 537, RSMo, by adding thereto one new section relating to immunity from liability for inherent risks of camping.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 537, RSMo, is amended by adding thereto one new section, to be known as section 537.328, to read as follows:

**537.328. 1. As used in this section, the following terms mean:**

(1) "Camping", all aspects of visiting, staying at, using, and leaving a private campground, including lodging of all types;

(2) "Inherent risks of camping", those dangers, hazards, or conditions that are an integral part of camping including, but not limited to, the following:

(a) Features of the natural world, such as trees, tree stumps, naturally occurring infectious agents, roots, brush, rocks, mud, sand, standing and moving water, and soil;

(b) Uneven and unpredictable terrain;

(c) Natural bodies of water and accessories permitting the use of natural bodies of water, including piers, docks, swimming and aquatic sports, or recreation facilities or areas;

(d) A lack of lighting, including lighting at campsites;

(e) Campfires contained in or outside a fire pit or an enclosure provided by the private campground, bonfires, grass or brush fires, wildfires, and forest fires;

(f) Weather and weather-related events;

(g) Insects, birds, and other wildlife;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

17           (h) Animals of other campers or visitors that cause injury, unless the private  
18 campground owner or an employee or officer of the private campground owner has  
19 accepted responsibility for care of the animal;

20           (i) A violation of safety rules or a disregard for signs or other methods of  
21 communicating warnings;

22           (j) Another camper or visitor at the private campground acting in a negligent  
23 manner, if the private campground owner or an employee or officer of the private  
24 campground owner is not involved;

25           (k) Actions by a camper or visitor that exceed his or her physical limitations or  
26 abilities;

27           (l) Actions by a camper or visitor involving climbing, rappeling, caving,  
28 mountaineering, or any other related activity;

29           (m) Damage caused by fireworks from a camper, visitor, or offsite entity not  
30 authorized by the private campground owner or employee or officer of a private  
31 campground owner; and

32           (n) Any person coming onto the campsite not reported to the private campground  
33 owner or an employee or officer of the private campground owner;

34           (3) "Private campground", any parcel or tract of land, including buildings and  
35 other structures, that is owned or operated by a private property owner where five or more  
36 campsites are made available for use as temporary living quarters for recreational,  
37 camping, travel, or seasonal use. The term "private campground" shall also include  
38 recreational vehicle parks.

39           2. Except as provided in subsection 4 of this section, a private campground owner  
40 or an employee or officer of a private campground owner shall not be liable for acts or  
41 omissions related to camping at a private campground if a person is injured or killed or  
42 property is damaged as a result of an inherent risk of camping.

43           3. This section shall not apply to any employer-employee relationship governed by  
44 the provisions of chapter 287.

45           4. The provisions of subsection 2 of this section shall not prevent or limit liability  
46 of a private campground owner or an employee or officer of a private campground owner  
47 who:

48           (1) Intentionally causes the injury, death, or property damage;

49           (2) Acts with a willful or wanton disregard for the safety of the person or property  
50 damaged. As used in this subdivision, "willful and wanton" means conduct committed  
51 with an intentional or reckless disregard for the safety of others;

