



## 2020 South Dakota Legislature

# House Bill 1121

Introduced by: **Representative Goodwin**

1 **An Act to establish immunity from liability for the inherent risks of camping.**

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 **Section 1.** That a NEW SECTION be added:

4 **34-18-39. Definitions.**

5 Terms used in §§ 34-18-39 through 34-18-41 mean:

6 (1) "Camping," all aspects of visiting, staying at, using and leaving a private  
 7 campground;

8 ~~a)(2)~~ "Inherent risk of camping," a danger or condition that is part of camping, including  
 9 dangers posed by any of the following:

10 ~~b)(a)~~ Features of the natural world including trees, naturally occurring infectious  
 11 agents, tree stumps, roots, brush, rocks, mud, sand, standing water, and  
 12 soil;

13 ~~c)(b)~~ Uneven or unpredictable terrain;

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

17 ~~e)(d)~~ Another camper or visitor at the private campground acting in a negligent  
 18 manner, when the campground owner or other campground employees are  
 19 not involved;

20 ~~f)(e)~~ A lack of lighting, including lighting at campsites;

21 ~~g)(f)~~ Campfires in a fire pit or enclosure provided by the campground;

22 ~~h)(g)~~ Weather;

23 ~~i)(h)~~ Insects, birds, and other wildlife;

24 ~~j)(i)~~ Violation of safety rules or disregard for signs communicating warnings;

25 ~~k)(j)~~ Actions by the camper or visitor that exceed their physical limitations or  
 26 abilities; or

- 1 ~~†(k)~~ Animals of other campers or visitors that cause injury, unless the  
 2 campground owner has accepted responsibility for the care of the animal;  
 3 ~~(1)(3)~~ "Private campground," a facility, owned and operated by a private property owner,  
 4 that provides sites on which recreational vehicles, camping units, and tents may  
 5 be placed for transient occupancy.

6 **Section 2.** That a NEW SECTION be added:

7 **34-18-40. Private campgrounds--Immunity from liability.**

8 Except as provided in § 34-18-41, a private campground, an owner or operator of  
 9 a private campground, and any employee or officer of a private campground or private  
 10 campground owner or operator are immune from civil liability for acts or omissions related  
 11 to camping at a private campground if a person is injured or killed, or property is damaged  
 12 as a result of an inherent risk of camping.

13 **Section 3.** That a NEW SECTION be added:

14 **34-18-41. Immunity--Exceptions.**

15 The immunity provided under § 34-18-40 does not apply if the person seeking  
 16 immunity does any of the following:  
 17 (1) Intentionally causes the injury, death, or property damage;  
 18 (2) Commits an act or omission that constitutes negligence or reckless disregard for  
 19 the safety of others, and that act or omission causes an injury or death; or  
 20 ~~(3)~~ Fails to conspicuously post warning signs of any dangerous, inconspicuous  
 21 condition known to the person on property that the person owns, leases, rents,  
 22 or is otherwise in lawful control of or possession.