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H.B. 355*
133rd General Assembly

Bill Analysis

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Version: As Reported by House Civil Justice

Primary Sponsors: Reps. Wilkin and Swearingen

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SUMMARY

- Provides a qualified immunity from civil liability to camp operators for any harm to a camper or visitor that results from a risk inherent to camping.
- Defines the type of risks that qualify as a *risk inherent to camping*.
- Describes the types of activities by a camp operator that do not qualify for immunity under the bill.
- Requires camp operators to post a clearly visible sign at or near each entrance to a campground notifying those entering that the camp operator is not liable for harm resulting from risks inherent to camping.

DETAILED ANALYSIS

Qualified immunity for camp operators

The bill provides camp operators a qualified immunity from civil liability for any ***harm*** to a camper or visitor that results from a ***risk inherent to camping***. A “camp operator” is the operator of a public or private recreational vehicle park, recreation camp, combined park-camp, or temporary park-camp (collectively, a “campground”). Under the bill, “harm” is an injury, death, or loss to person or property.¹

* This analysis was prepared before the report of the House Civil Justice Committee appeared in the House Journal. Note that the legislative history may be incomplete.

¹ R.C. 3729.15(A) and (B).

Risk inherent to camping

Under the bill, a “risk inherent to camping” is a danger or condition that is an integral part of camping, including a danger posed by features of the natural world such as plants, roots, and mud, uneven or unpredictable terrain, a body of water that is not a swimming pool, and the weather. “Risk inherent to camping” also includes:

- A lack of lighting, including at a campsite;
- Campfires;
- Wildlife not kept by or under the control of the camp operator;
- 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;
- The ordinary dangers associated with structures or equipment ordinarily used in camping and not owned or maintained by the camp operator;
- A camper or visitor acting in a negligent manner that contributes to harm to that camper or visitor or another camper or visitor, including failing to follow instructions given by a camp operator or failing to exercise reasonable caution while engaging in a campground activity.

Recreational activities that are within the camp operator’s control do not constitute a risk inherent to camping.²

Actions by camp operator that does not qualify for immunity

While the bill does not require a camp operator to eliminate risks inherent to camping, the bill’s immunity provisions are limited.³ The immunity provisions do not apply if (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 the harm, (3) the camp operator’s actions or inactions constitute criminal conduct and cause harm, (4) the camp operator fails to post and maintain signage as required by the bill (see “**Notice requirement**” below), or (5) 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 and the dangerous condition proximately causes harm to the camper or visitor.⁴

² R.C. 3729.15(A)(3).

³ R.C. 3729.15(B).

⁴ R.C. 3729.15(C).

Notice requirement

The bill requires camp operators to post a clearly visible sign at or near each entrance to the campground 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.⁵

HISTORY

| Action | Date |
|----------------------------|----------|
| Introduced | 10-03-19 |
| Reported, H. Civil Justice | --- |

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⁵ R.C. 3729.15(D).