

SENATE BILL No. 147

DIGEST OF INTRODUCED BILL

Citations Affected: IC 32-32.5; IC 34-6-2; IC 34-31-12.

Synopsis: Campground matters. Allows a campground owner to ask an individual to leave a campground in certain instances. Specifies that an individual who remains on or returns to a campground after having been asked to leave the campground commits criminal trespass. Provides that a guest who is asked to leave a campground is entitled to a refund of any unused portion of prepaid fees. Specifies the duties and responsibilities of the users and operator of a campground. Defines the risks assumed by a user of a campground. Specifies that an operator of a campground that fulfills the operator's duties and responsibilities has a complete defense to a civil action.

Effective: July 1, 2020.

Doriot

January 6, 2020, read first time and referred to Committee on Judiciary.



Second Regular Session of the 121st General Assembly (2020)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2019 Regular Session of the General Assembly.

SENATE BILL No. 147

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 32-32.5 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
3 2020]:

4 **ARTICLE 32.5. CAMPGROUNDS**

5 **Chapter 1. Definitions**

6 **Sec. 1. The definitions in this chapter apply throughout this**
7 **article.**

8 **Sec. 2. "Campground" means an area or tract of land, including**
9 **ten (10) or more campsites, that is established, operated, and**
10 **maintained for recreational, health, educational, sectarian,**
11 **business, or tourist activities away from established residences.**

12 **Sec. 3. "Campground owner" means the owner or operator of**
13 **a campground or an agent of an owner or operator of a**
14 **campground.**

15 **Sec. 4. "Guest" means an individual who occupies a campsite in**
16 **a campground under an agreement with the campground owner.**

17 **Chapter 2. Regulation of Campgrounds**



1 **Sec. 1. A campground owner may ask that an individual leave**
 2 **a campground if:**

3 **(1) the individual is not a registered guest or visitor of the**
 4 **campground;**

5 **(2) the individual remains on the campground beyond an**
 6 **agreed upon departure time and date;**

7 **(3) the individual defaults in the payment of any lawfully**
 8 **imposed registration fee, visitor fee, or charge;**

9 **(4) the individual creates a disturbance that denies other**
 10 **guests their right to quiet enjoyment of the campground**

11 **necessary for the preservation of peace, health, or safety; or**

12 **(5) the campground owner reasonably believes the individual**
 13 **has violated any federal, state, or local law while in the**
 14 **campground.**

15 **Sec. 2. An individual who:**

16 **(1) remains on; or**

17 **(2) returns to;**

18 **a campground after having been asked to leave the campground**
 19 **under section 1 of this chapter commits criminal trespass under**
 20 **IC 35-43-2-2.**

21 **Sec. 3. A guest who is removed from a campground under**
 22 **section 1 of this chapter is entitled to a refund of the unused**
 23 **portion of any prepaid fees, less any amount otherwise owed to the**
 24 **campground owner or deducted for damages.**

25 SECTION 2. IC 34-6-2-17.5 IS ADDED TO THE INDIANA CODE
 26 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 27 1, 2020]: **Sec. 17.5. "Campground", for purposes of IC 34-31-12,**
 28 **has the meaning set forth in IC 32-32.5-1-2.**

29 SECTION 3. IC 34-6-2-91, AS AMENDED BY P.L.95-2015,
 30 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2020]: **Sec. 91. (a) "Operator", for purposes of IC 34-30-3,**
 32 **means a person who is an owner, a lessee, a tenant, or an occupant of**
 33 **land or premises that are used in the production of agricultural**
 34 **products.**

35 **(b) "Operator", for purposes of IC 34-31-6, means a person or an**
 36 **entity, other than a governmental entity or an employee of a**
 37 **governmental entity, that owns, manages, controls, directs, or has**
 38 **operational responsibility for a roller skating rink.**

39 **(c) "Operator", for purposes of IC 34-31-6.5, means an approved**
 40 **postsecondary educational institution (as defined in IC 21-7-13-6) that**
 41 **owns, manages, controls, directs, or has operational responsibility for**
 42 **an ice skating rink.**



1 (d) "Operator", for purposes of IC 34-31-11.4, means an:

2 (1) elementary school (as defined under IC 20-18-2-4);

3 (2) approved secondary school (as defined under IC 21-12-1-5);

4 or

5 (3) approved postsecondary school (as defined under
6 IC 21-7-13-6);

7 that owns, manages, controls, directs, or has operational responsibility
8 for a recreational facility.

9 (e) **"Operator", for purposes of IC 34-31-12, means a
10 campground owner (as defined in IC 32-32.5-1-3).**

11 SECTION 4. IC 34-6-2-129.6, AS ADDED BY P.L.95-2015,
12 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2020]: Sec. 129.6. "Recreational user", for purposes of
14 IC 34-31-11.4 and IC 34-31-12, means an authorized user of a
15 recreational facility or **campground** who is using the facility or
16 **campground** for the recreational purpose for which it was primarily
17 designed. However, the term does not include a person participating in
18 or attending an intercollegiate or interscholastic event.

19 SECTION 5. IC 34-31-12 IS ADDED TO THE INDIANA CODE
20 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2020]:

22 **Chapter 12. Limited Liability for Operators of Campgrounds**

23 **Sec. 1. This chapter does not apply to a campground that is
24 operated by an:**

25 (1) elementary school (as defined in IC 20-18-2-4);

26 (2) approved secondary school (as defined in IC 21-12-1-5); or

27 (3) approved postsecondary educational institution (as defined
28 in IC 21-7-13-6).

29 **Sec. 2. To qualify for limited liability under this chapter, an
30 operator shall do the following with respect to a campground:**

31 (1) Post the:

32 (A) duties of recreational users;

33 (B) campground's policies on curfew, alcohol use, tobacco
34 use, and pets; and

35 (C) duties, obligations, and liabilities of the operator;

36 as prescribed in this chapter in at least three (3) conspicuous
37 locations in or along the campground.

38 (2) Maintain the stability and legibility of all signs, symbols,
39 and posted notices required by this chapter.

40 (3) Maintain the floor or surface of the campground in proper
41 and reasonably safe condition.

42 (4) If the campground includes a building, maintain in good



1 and safe condition the areas of the building open to
2 recreational users.

3 **(5) Maintain equipment in good mechanical condition.**

4 **(6) Comply with all applicable state and local fire safety**
5 **codes, building codes, and other safety codes applicable to a**
6 **campground.**

7 **Sec. 3. A recreational user of a campground shall do the**
8 **following:**

9 **(1) Maintain reasonable control of the recreational user's**
10 **speed and course at all times.**

11 **(2) Use due care while operating or using equipment.**

12 **(3) Heed all posted signs and warnings.**

13 **(4) Maintain a proper view to avoid other recreational users,**
14 **individuals, and objects.**

15 **(5) Accept responsibility for the following:**

16 **(A) Knowing the range of the recreational user's ability.**

17 **(B) Using the campground within the limits of the**
18 **recreational user's ability.**

19 **(6) Refrain from acting in a manner that may cause or**
20 **contribute to the injury of the recreational user or any other**
21 **individual.**

22 **Sec. 4. (a) Recreational users are considered to:**

23 **(1) have knowledge of; and**

24 **(2) assume;**

25 **the risks of using the campground.**

26 **(b) For purposes of this chapter, risks of using a campground**
27 **include the following:**

28 **(1) Injuries that result from collisions or incidental contact**
29 **with other recreational users or other individuals who are**
30 **properly present at the campground.**

31 **(2) Injuries that result from falls caused by loss of balance.**

32 **(3) Injuries that result from the natural condition of**
33 **unimproved property.**

34 **(4) Injuries that result from the condition of a natural body of**
35 **water.**

36 **(5) Injuries that result from the condition of an unpaved road,**
37 **trail, or footpath, the purpose of which is to provide access to**
38 **a recreation or scenic area.**

39 **(6) Injuries that result from another recreational user of a**
40 **campground acting in a negligent manner, where the operator**
41 **and the operator's employees are not involved.**

42 **(7) Injuries that result from a lack of lighting, including**



- 1 **lighting at campsites.**
 2 **(8) Injuries that result from campfires, including those in a**
 3 **fire pit or enclosure provided by the operator.**
 4 **(9) Injuries that result from weather.**
 5 **(10) Injuries that result from insects, birds, or other wildlife.**
 6 **(11) Injuries that involve objects or artificial structures that**
 7 **are not otherwise attributable to an operator's breach of the**
 8 **operator's duties or responsibilities under section 2 of this**
 9 **chapter.**
 10 **(12) Injuries that result from the recreational user's violation**
 11 **of the recreational user's duties under section 3 of this**
 12 **chapter.**
 13 **Sec. 5. (a) Except as provided in subsection (b) and**
 14 **notwithstanding IC 34-51-2-6 concerning comparative fault, the**
 15 **assumption of risk under section 4 of this chapter is a complete**
 16 **defense to an action against an operator by a recreational user for**
 17 **injuries and property damage resulting from the assumed risks.**
 18 **(b) The following apply if an operator violates any of the**
 19 **operator's duties or responsibilities under section 2 of this chapter:**
 20 **(1) The complete defense against an action against an**
 21 **operator under subsection (a) does not apply.**
 22 **(2) The provisions of IC 34-51-2-6 apply, unless IC 34-13-3**
 23 **applies to the operator.**
 24 **(c) If IC 34-13-3 applies to an operator, the liability of the**
 25 **operator is subject to IC 34-13-3 and IC 34-51-2-2.**

