

SECOND REGULAR SESSION

SENATE BILL NO. 783

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN.

Pre-filed December 11, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4422S.01I

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

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

(f) Campfires in a fire pit or an enclosure provided by the private campground;

(g) Weather and weather-related events;

(h) Insects, birds, and other wildlife;

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

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

26 (k) Animals of other campers or visitors that cause injury, unless
27 the private campground owner or an employee or officer of the private
28 campground owner has accepted responsibility for care of the animal;

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

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

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

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

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

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

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

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

56 (3) Fails to conspicuously post warning signs of a dangerous,
57 inconspicuous condition known to the owner of the private
58 campground, or his or her employees or officers, on the property that

59 the owner owns, leases, rents, or is otherwise in lawful control of or in
60 possession of if the owner, employee, or officer is aware of the
61 condition by reason of a prior injury involving the same location or the
62 same mechanism of injury.

63 Such warning signs shall appear in black letters on a white background
64 with each letter to be a minimum of one inch in height.

65 5. Every written contract entered into by a private campground
66 owner or an employee or officer of a private campground owner shall
67 contain, in clearly readable print, the warning notice specified in this
68 subsection. The signs described in subdivision (3) of subsection 4 of
69 this section and contracts described in this subsection shall contain the
70 following warning notice:

71 **"WARNING**

72 **Under Missouri law, a private campground owner or an**
73 **employee or officer of a private campground owner is not**
74 **liable for an injury to or the death of a person or any**
75 **property damage resulting from the inherent risks of**
76 **camping under the Revised Statutes of Missouri."**

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