

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 783

AN ACT

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

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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;

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

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

(j) 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;

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

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

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

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

(3) "Private campground", any parcel or tract of land, including buildings and other structures, that is owned or operated by a private property owner where five or more campsites

are made available for use as temporary living quarters for recreational, camping, travel, or seasonal use. The term "private campground" shall also include recreational vehicle parks.

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

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

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

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

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

(3) Fails to use that degree of care that an ordinarily careful and prudent person would use under the same or similar circumstances; or

(4) Fails to conspicuously post warning signs of a dangerous, inconspicuous condition known to the owner of the private campground, or his or her employees or officers, on the property that the owner owns, leases, rents, or is otherwise in

lawful control of or in possession of if the owner, employee, or officer is aware of the condition by reason of a prior injury involving the same location or the same mechanism of injury.

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

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

"WARNING

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