

SENATE BILL NO. 50

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN.

0511S.01H

ADRIANE D. CROUSE, Secretary

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) A lack of lighting, including lighting at campsites;

19 (e) Campfires contained in or outside a fire pit or an
20 enclosure provided by the private campground, bonfires,
21 grass or brush fires, wildfires, and forest fires;

22 (f) Weather and weather-related events;

23 (g) Insects, birds, and other wildlife;

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

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

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

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

36 (l) Actions by a camper or visitor involving climbing,
37 rappeling, caving, mountaineering, or any other related
38 activity;

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

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

46 (3) "Private campground", any parcel or tract of land,
47 including buildings and other structures, that is owned or
48 operated by a private property owner where five or more
49 campsites are made available for use as temporary living
50 quarters for recreational, camping, travel, or seasonal

51 use. The term "private campground" shall also include
52 recreational vehicle parks.

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

59 3. This section shall not apply to any employer-
60 employee relationship governed by the provisions of chapter
61 287.

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

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

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

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

76 (4) Fails to conspicuously post warning signs of a
77 dangerous, inconspicuous condition known to the owner of the
78 private campground, or his or her employees or officers, on
79 the property that the owner owns, leases, rents, or is
80 otherwise in lawful control of or in possession of if the
81 owner, employee, or officer is aware of the condition by
82 reason of a prior injury involving the same location or the

83 same mechanism of injury. Such warning signs shall appear
84 in black letters on a white background with each letter to
85 be a minimum of one inch in height.

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

93 "WARNING

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

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