

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 662,
2 Page 17, Section 537.115, Line 47, by inserting after all of said section and line the following:

3
4 "537.328. 1. As used in this section, the following terms mean:

5 (1) "Camping", all aspects of visiting, staying at, using, and leaving a private campground,
6 including lodging of all types;

7 (2) "Inherent risks of camping", those dangers, hazards, or conditions that are an integral
8 part of camping including, but not limited to, the following:

9 (a) Features of the natural world, such as trees, tree stumps, naturally occurring infectious
10 agents, roots, brush, rocks, mud, sand, standing and moving water, and soil;

11 (b) Uneven and unpredictable terrain;

12 (c) Natural bodies of water and accessories permitting the use of natural bodies of water,
13 including piers, docks, swimming and aquatic sports, or recreation facilities or areas;

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

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

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

19 (g) Weather and weather-related events;

20 (h) Insects, birds, and other wildlife;

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

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

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

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

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

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

35 2. Except as provided in subsection 4 of this section, a private campground owner or an
36 employee or officer of a private campground owner shall not be liable for acts or omissions related

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1 to camping at a private campground if a person is injured or killed or property is damaged as a result
2 of an inherent risk of camping.

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

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

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

8 (2) Acts with a willful or wanton disregard for the safety of the person or property damaged.

9 As used in this subdivision, "willful and wanton" means conduct committed with an intentional or
10 reckless disregard for the safety of others; or

11 (3) Fails to conspicuously post warning signs of a dangerous, inconspicuous condition
12 known to the owner of the private campground, or his or her employees or officers, on the property
13 that the owner owns, leases, rents, or is otherwise in lawful control of or in possession of if the
14 owner, employee, or officer is aware of the condition by reason of a prior injury involving the same
15 location or the same mechanism of injury.

16
17 Such warning signs shall appear in black letters on a white background with each letter to be a
18 minimum of one inch in height.

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

23 "WARNING

24 Under Missouri law, a private campground owner or an employee or officer of a private
25 campground owner is not liable for an injury to or the death of a person or any property damage
26 resulting from the inherent risks of camping under the Revised Statutes of Missouri."; and
27

28 Further amend said bill by amending the title, enacting clause, and intersectional references
29 accordingly.