

HOUSE AMENDMENT NO. _____
TO
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Offered By

1 AMEND House Amendment No. _____ to House Committee Substitute for House Bill No. 922,
2 Page 1, Line 32, by inserting the following after all of said line:

3
4 "Further amend said bill, Page 2, Section 516.140, Line 13, by inserting the following after all of
5 said line:

6
7 "537.328. 1. As used in this section, the following terms mean:

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

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

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

14 (b) Uneven and unpredictable terrain;

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

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

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

20 (f) Weather and weather-related events;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32 "WARNING

33 Under Missouri law, a private campground owner or an employee or officer of a private
 34 campground owner is not liable for an injury to or the death of a person or any property damage
 35 resulting from the inherent risks of camping under the Revised Statutes of Missouri.""; and"; and
 36

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

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 40 This amendment amends Amendment #1469H02.01H