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SUMMARY

Qualified immunity for camp operators

- Provides a qualified immunity from civil liability to camp operators for any harm to a camper or visitor that results from a risk inherent to camping.
- Defines the type of risks that qualify as a risk inherent to camping.
- Describes the types of activities by a camp operator that do not qualify for immunity.
- Requires camp operators to post a clearly visible sign at or near each entrance to a campground notifying those entering that the camp operator is not liable for harm resulting from risks inherent to camping.

Historical reenactment camp exemption

- Exempts sites that host historical reenactor camps from recreational and camping operation license requirements under specific circumstances.

DETAILED ANALYSIS

Qualified immunity for camp operators

The act provides camp operators a qualified immunity from civil liability for any harm to a camper or visitor that results from a risk inherent to camping. A “camp operator” is the operator of a public or private recreational vehicle park, recreation camp, combined park-camp, or temporary park-camp (collectively, a “campground”). Under the act, “harm” is an injury, death, or loss to person or property.¹

¹ R.C. 3729.15(A) and (B).

Risk inherent to camping

Under the act, a “risk inherent to camping” is a danger or condition that is an integral part of camping, including a danger posed by features of the natural world such as plants, roots, and mud, uneven or unpredictable terrain, a body of water that is not a swimming pool, and the weather. “Risk inherent to camping” also includes:

- A lack of lighting, including at a campsite;
- Campfires;
- Wildlife not kept by or under the control of the camp operator;
- The behavior or actions of domestic animals not kept by or under the control of the camp operator, provided the camp operator has a pet policy requiring the animal owner to keep the pet on a leash or contained and under the pet owner’s control;
- The ordinary dangers associated with structures or equipment ordinarily used in camping and not owned or maintained by the camp operator;
- A camper or visitor acting in a negligent manner that contributes to harm to that camper or visitor or another camper or visitor, including failing to follow instructions given by a camp operator or failing to exercise reasonable caution while engaging in a campground activity.

Recreational activities that are within the camp operator’s control do not constitute a risk inherent to camping.²

Actions by camp operator that does not qualify for immunity

While the act does not require a camp operator to eliminate risks inherent to camping, its immunity provisions are limited.³ The immunity provisions do not apply if (1) the camp operator acts with a willful or wanton disregard for the camper’s or visitor’s safety and the action proximately causes harm to the camper or visitor, (2) the camp operator purposefully causes the harm, (3) the camp operator’s actions or inactions constitute criminal conduct and cause harm, (4) the camp operator fails to post and maintain signage as required by the act (see below), or (5) the camp operator has or should have actual knowledge of an existing dangerous condition on the land or regarding facilities or equipment on the land that is *not* a risk inherent to camping and does not make the dangerous condition known to the camper or visitor and the dangerous condition proximately causes harm to the camper or visitor.⁴

Signage requirement

The act requires camp operators to post a clearly visible sign at or near each entrance to the campground that states the following:

² R.C. 3729.15(A)(3).

³ R.C. 3729.15(B).

⁴ R.C. 3729.15(C).

WARNING:

Under Ohio law, there is no liability for an injury to or death of a camper or visitor to this campground if that injury or death results from the risk inherent to camping. Inherent risks to camping include, but are not limited to, the risk of injury inherent to land features, equipment, animals, or the negligent actions of the camper or visitor. You are assuming the risk of participating in camping.⁵

Historical reenactment camp exemption

The act exempts a site from recreational and camping operation license requirements if:

1. The site hosts reenactors for any historical reenactment; and
2. The site provides parking for portable camping units that belong to the reenactors and their families.

The act specifies that the exemption applies only to areas designated for reenactment participants and for a total of seven days. The seven-day period includes the time for preparing, operating, and dismantling the reenactment event.⁶

Continuing law requires every camp operator to obtain a license from a local board of health. If the camp is a temporary park-camp, the operator must obtain the license at any time before the operator begins operation of the camp. If the camp is a recreational vehicle park, recreation camp, or combined park-camp, the operator must apply for the license annually. Prior to issuing a license, a board of health must inspect the camp and the operator must pay a specified fee. There are several exemptions from the licensure requirement, including motorsports parks.⁷

HISTORY

Action	Date
Introduced	03-23-21

⁵ R.C. 3729.15(D).

⁶ R.C. 3729.05(G).

⁷ R.C. 3729.05.

Action	Date
Reported, H. Civil Justice	05-03-21
Passed House (65-29)	05-12-21
Reported, S. Agriculture and Natural Resources	12-08-21
Passed Senate (25-8)	01-26-22
House concurred in Senate amendments (60-31)	02-09-22