

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for House Bill No. 441, Page 6, Section 316.250, Line 44, by
2 inserting after said 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,
6 and leaving a private campground, including lodging of all
7 types;

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

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

12 (b) Uneven and unpredictable terrain;

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

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

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

18 (f) Weather and weather-related events;

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

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

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

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

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

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

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

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

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

Action Taken _____ Date _____

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

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

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

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

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

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

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

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

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

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

28 "WARNING

29 Under Missouri law, a private campground owner or an employee or officer of a private
30 campground owner is not liable for an injury to or the death of a person or any property damage
31 resulting from the inherent risks of camping under the Revised Statutes of Missouri.""; and
32

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