

HOUSE BILL NO. 5862

March 01, 2022, Introduced by Reps. Borton, Damoose, Markkanen, Roth, Bezotte, LaFave, Cambensy and Allor and referred to the Committee on Judiciary.

A bill to provide limited immunity from civil liability for personal injury or property damage to owners and operators of campgrounds and their employees.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act may be cited as the "campground liability
2 act".

3 Sec. 2. As used in this act:

4 (a) "Camping" means all aspects of visiting, staying at,
5 using, and leaving a campground, including lodging of all types.

6 (b) "Inherent risk of camping" means a danger or condition
7 that is part of camping, including dangers posed by any of the

1 following:

2 (i) Features of the natural world, such as trees, naturally
3 occurring infectious agents, tree stumps, roots, brush, rocks, mud,
4 sand, standing water, and soil.

5 (ii) Uneven or unpredictable terrain.

6 (iii) Natural bodies of water and accessories permitting the use
7 of natural bodies of water, including piers, docks, swimming and
8 aquatic sports, or recreation facilities or areas.

9 (iv) Another camper or visitor at the private campground acting
10 in a negligent manner, if the campground owner or operator or
11 employees of the owner or operator are not involved.

12 (v) A lack of lighting, including lighting at campsites.

13 (vi) Campfires in a fire pit or enclosure provided by the
14 campground owner or operator.

15 (vii) Use of playground equipment, including but not limited to
16 a jumping pillow, slide, or water slide, or a swimming pool or
17 swimming pool paraphernalia.

18 (viii) Use of an off-road vehicle, golf cart, or other electric
19 or motorized vehicle.

20 (ix) Use of fireworks from a camper, visitor, or person off-
21 site if the use is not authorized by the campground owner or
22 operator.

23 (x) Weather.

24 (xi) Insects, birds, and other wildlife.

25 (xii) Violation of safety rules or disregard for signs
26 communicating warnings.

27 (xiii) Actions by the camper or visitor that exceed the camper
28 or visitor's physical limitations or abilities.

1 (xiv) Animals of other campers or visitors that cause injury,
2 unless the campground owner or operator has accepted responsibility
3 for care of the animal.

4 (c) "Person" means an individual, partnership, corporation,
5 association, or other legal entity.

6 (d) "Private campground" means a facility that provides sites
7 on which recreational vehicles, camping units, and tents may be
8 placed for seasonal and transient occupancy, and that is owned by a
9 private property owner.

10 (e) "Willful or wanton disregard" means an intentional or
11 reckless disregard.

12 Sec. 3. (1) Except as provided in subsection (2), an owner or
13 operator of a private campground and any employees or officers of
14 the owner or operator of a private campground are immune from civil
15 liability for acts or omissions related to camping at the private
16 campground if an individual is injured or killed, or property is
17 damaged, as a result of an inherent risk of camping.

18 (2) The immunity provided under subsection (1) does not apply
19 if the person seeking immunity does any of the following:

20 (a) Intentionally causes the injury, death, or property
21 damage.

22 (b) Acts with a willful or wanton disregard for the safety of
23 the individual or the property damaged.

24 (c) Fails to conspicuously post warning signs of a dangerous
25 inconspicuous condition known to the person on the property that
26 the person owns, leases, rents, or is otherwise in lawful control
27 or possession of, if the person is aware of the condition because
28 of a prior injury involving the same location or the same mechanism
29 of injury.

1 (3) An owner or operator of a private campground shall post a
2 sign at all registration areas specifying the risks inherent in the
3 use of the campground. The sign must contain but is not limited to
4 the following language:

5 All persons using this campground are advised that pursuant to
6 Michigan law, the owner or operator of this campground is not
7 liable for injury to, or the death of, a user resulting from risks
8 inherent to camping. Risks inherent to camping and the use of this
9 campground include but are not limited to:

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

13 (b) Uneven or unpredictable terrain.

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

17 (d) Another camper or visitor at the campground acting in a
18 negligent manner, if the campground owner or operator or employees
19 of the owner or operator are not involved.

20 (e) A lack of lighting, including lighting at campsites.

21 (f) Campfires in a firepit or enclosure provided by the
22 campground owner or operator.

23 (g) Use of playground equipment, including jumping pillows,
24 slides, or water slides, or swimming pools or swimming pool
25 paraphernalia.

26 (h) Use of off-road vehicles, golf carts, or other electric or
27 motorized vehicles.

28 (i) Use of fireworks by a camper, visitor, or person off-site
29 if the use is not authorized by the campground owner or operator.

1 (j) Weather.

2 (k) Insects, birds, and other wildlife.

3 (l) Violation of safety rules or disregard for signs
4 communicating warnings.

5 (m) Actions by the camper or visitors that exceed the camper
6 or visitor's physical limitations or abilities.

7 (n) Animals of other campers or visitors that cause injury
8 unless the campground owner or operator has accepted responsibility
9 for care of the animal.