

CAMPGROUND LIABILITY ACT

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<http://www.house.mi.gov/hfa>

House Bill 5862 as introduced
Sponsor: Rep. Ken Borton
Committee: Judiciary
Complete to 3-7-22

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 5862 would create a new act, the Campground Liability Act, to provide limited immunity to owners and operators of campgrounds (and their employees) from civil liability for personal injury or property damage related to risks inherent to camping.

Specifically, the new act would provide that an owner or operator of a *private campground*, and any employee or officer of the owner or operator, is immune from civil liability for acts or omissions related to *camping* at the private campground if an individual is injured or killed, or property is damaged, as a result of an *inherent risk of camping*. However, this immunity would not apply if the *person* seeking immunity does any of the following:

- Intentionally causes the injury, death, or property damage.
- Acts with a *willful or wanton disregard* for the safety of the individual or the property damaged.
- Fails to conspicuously post warning signs of a dangerous inconspicuous condition known to the person on the property that the person owns, leases, rents, or is otherwise in lawful control or possession of, if the person is aware of the condition because of a prior injury involving the same location or the same mechanism of injury.

The owner or operator of a private campground would have to post a sign at all registration areas specifying the risks inherent in the use of the campground. The sign would have to contain at least the following language:

All persons using this campground are advised that pursuant to Michigan law, the owner or operator of this campground is not liable for injury to, or the death of, a user resulting from risks inherent to camping. Risks inherent to camping and the use of this campground include but are not limited to [the list included in the definition of *inherent risk of camping*, below, of things that pose dangers that are part of camping].

Private campground would mean a facility that is owned by a private property owner and that provides sites on which recreational vehicles, camping units, and tents may be placed for seasonal and transient occupancy.

Camping would mean all aspects of visiting, staying at, using, and leaving a campground, including lodging of all types.

Inherent risk of camping would mean a danger or condition that is part of camping, including dangers posed by any of the following:

- Features of the natural world, such as trees, naturally occurring infectious agents, tree stumps, brush, rocks, mud, sand, standing water, and soil.

- Uneven or unpredictable terrain.
- Natural bodies of water and accessories permitting the use of natural bodies of water, including piers, docks, swimming and aquatic sports, or recreation facilities or areas.
- Another camper or visitor at the campground acting in a negligent manner, if the campground owner or operator or employees of the owner or operator are not involved.
- A lack of lighting, including lighting at campsites.
- Campfires in a firepit or enclosure provided by the campground owner or operator.
- Use of playground equipment, including jumping pillows, slides, or water slides, or swimming pools or swimming pool paraphernalia.
- Use of off-road vehicles, golf carts, or other electric or motorized vehicles.
- Use of fireworks by a camper, visitor, or person off site, if the use is not authorized by the campground owner or operator.
- Weather.
- Insects, birds, and other wildlife.
- Violation of safety rules or disregard for signs communicating warnings.
- Actions by the camper or visitor that exceed the camper's or visitor's physical limitations or abilities.
- Animals of other campers or visitors that cause injury, unless the campground owner or operator has accepted responsibility for care of the animal.

Person would mean an individual, partnership, corporation, association, or other legal entity.

Willful or wanton disregard would mean an intentional or reckless disregard.

FISCAL IMPACT:

House Bill 5862 would have an indeterminate fiscal impact on local court funding units. Provisions of the bill are aimed at providing limited immunity to owners and operators of campgrounds and their employees from civil liability for personal injury or property damage. Providing limited immunity from civil liability would equate to limiting the number of lawsuits likely to be filed. Any fiscal impact would be directly related to how provisions of the bill affected court caseloads, the complexity of lawsuits, and the related administrative costs.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.