

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2001 ASSEMBLY BILL 174**

February 19, 2002 – Offered by COMMITTEE ON TOURISM AND RECREATION.

1 **AN ACT** *to create* 895.523 of the statutes; **relating to:** immunity of private
2 campground owners, operators, employees, and agents.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 895.523 of the statutes is created to read:

4 **895.523 Liability exemption; private campgrounds. (1)** In this section:

5 (a) “Private campground” means a facility that is issued a campground permit
6 under s. 254.47 and that is owned and operated by someone other than a public
7 agency.

8 (b) “Public agency” has the meaning given in s. 66.0825 (3) (h).

9 **(2)** The owner or operator of a private campground and the employees and
10 agents of the owner or operator are immune from civil liability for damage to property
11 or for the death of or injury to an individual if the negligence of a person other than

1 the owner or operator of the campground and the employees and agents of the owner
2 or operator was a cause of the damage, death, or injury and all of the following apply:

3 (a) The cause of the damage, death, or injury took place on the private
4 campground property.

5 (b) Any negligence of the owner or operator or the employees or agents of the
6 owner or operator that was the cause of the damage, death, or injury is an act of
7 omission.

8 (c) The owner or operator or the employees or agents of the owner or operator
9 are not joint tortfeasors with any person other than the owner or operator or the
10 employees or agents of the owner or operator with respect to the damage, death, or
11 injury.

12 **(3)** The immunity under sub. (2) does not apply if the damage, death, or injury
13 is caused by any of the following:

14 (a) An intentional or malicious act of the owner or operator or the employees
15 or agents of the owner or operator.

16 (b) The malicious failure of the owner or operator or the employees or agents
17 of the owner or operator to warn against an unsafe condition on the campground
18 property, of which the owner or operator knew.

19 **SECTION 2. Initial applicability.**

20 (1) This act first applies to acts or omissions that occur on the effective date of
21 this subsection.

22 (END)