

# State of Wisconsin



2015 Assembly Bill 174

Date of enactment: **March 30, 2016**

Date of publication\*: **March 31, 2016**

## 2015 WISCONSIN ACT 293

AN ACT *to amend* 895.519 (1) (a); and *to create* 895.519 of the statutes; **relating to:** immunity of private campgrounds.

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

**SECTION 1.** 895.519 of the statutes is created to read:

**895.519 Civil liability exemption; private campgrounds.** (1) In this section:

(a) "Private campground" means a facility that is issued a campground permit under s. 254.47 and that is owned and operated by a private property owner, as defined in s. 895.52 (1) (e).

(b) "Inherent risk of camping" means a danger or condition that is an integral part of camping, including dangers posed by any of the following:

1. Features of the natural world, such as trees, tree stumps, roots, brush, rocks, mud, sand, and soil.
2. Uneven or unpredictable terrain.
3. Natural bodies of water.
4. Another camper or visitor at the private campground acting in a negligent manner, where the campground owner or employees are not involved.
5. A lack of lighting, including lighting at campsites.
6. Campfires in a fire pit or enclosure provided by the campground.
7. Weather.
8. Insects, birds, and other wildlife.

(2) Except as provided in sub. (3), a private campground, an owner or operator of a private campground, and any employees and officers of a private campground

or private campground owner or operator are immune from civil liability for acts or omissions related to camping at a private campground if a person is injured or killed, or property is damaged, as a result of an inherent risk of camping.

(3) The immunity of sub. (2) does not apply if the person seeking immunity does any of the following:

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

(b) Acts with a willful or wanton disregard for the safety of the party or the property damaged. In this paragraph, "willful or wanton disregard" means conduct committed with an intentional or reckless disregard for the safety of others.

(c) Fails to conspicuously post warning signs of a dangerous inconspicuous condition known to him or her on the property that he or she owns, leases, rents, or is otherwise in lawful control of or possession.

(4) This section does not limit the immunity created under s. 895.52.

(5) Nothing in this section affects the assumption of risk under s. 895.525 by a person participating in a recreational activity including camping.

**SECTION 2.** 895.519 (1) (a) of the statutes, as created by 2015 Wisconsin Act .... (this act), is amended to read:

895.519 (1) (a) "Private campground" means a facility that is issued a campground ~~permit~~ license under s.

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

~~254.47~~ ~~97.67~~ and that is owned and operated by a private property owner, as defined in s. 895.52 (1) (e).

**SECTION 3. Initial applicability.**

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

**SECTION 4. Effective dates.** This act takes effect on the day after publication, except as follows:

(1) The amendment of section 895.519 (1) (a) of the statutes takes effect on July 1, 2016.

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