

**2015 Assembly Bill 174 (LRB -1789)**

An Act to create 895.519 of the statutes; relating to: immunity of private campgrounds.

**2015**

04-22. A. Introduced by Representatives **Kitchens, Jacque, Allen, Ballweg, E. Brooks, Czaja, Edming, Horlacher, Kleefisch, Knodl, Krug, Murphy, A. Ott, Quinn, Ripp, Steffen, Thiesfeldt and Tittl**; cosponsored by Senators **LeMahieu, Lasee, Nass, Olsen and Tiffany**. ..... 135

04-22. A. Read first time and referred to Committee on Judiciary ..... 135

12-03. A. Assembly Substitute Amendment 1 offered by Representatives Kitchens, Jacque, Allen, Ballweg, E. Brooks, Czaja, Edming, Horlacher, Kleefisch, Knodl, Krug, Murphy, A. Ott, Quinn, Ripp, Steffen, Thiesfeldt and Tittl (**LRB s0195**) ..... 437

12-17. A. Public hearing held

**2016**

01-12. A. Assembly Substitute Amendment 2 offered by Representative Kitchens (**LRB s0224**) ..... 479

01-13. A. Assembly Amendment 1 to Assembly Substitute Amendment 2 offered by Representative Wachs (**LRB a1517**) ..... 493

01-20. A. Assembly Amendment 2 to Assembly Substitute Amendment 2 offered by Representative Kitchens (**LRB a1614**) ..... 524

01-28. A. Executive session held

02-02. A. Report Assembly Amendment 2 to Assembly Substitute Amendment 2 adoption recommended by Committee on Judiciary, Ayes 9, Noes 0 ..... 560

02-02. A. Report Assembly Substitute Amendment 2 adoption recommended by Committee on Judiciary, Ayes 6, Noes 3 ..... 561

02-02. A. Report passage as amended recommended by Committee on Judiciary, Ayes 6, Noes 3 ..... 561

02-02. A. Referred to committee on Rules ..... 561

02-11. A. Placed on calendar 2-16-2016 by Committee on Rules

02-16. A. Read a second time ..... 663

02-16. A. Assembly Amendment 2 to Assembly Substitute Amendment 2 **adopted** ..... 663

02-16. A. Assembly Substitute Amendment 2 **adopted** ..... 663

02-16. A. Ordered to a third reading ..... 663

02-16. A. Rules suspended ..... 663

02-16. A. Read a third time and **passed** ..... 663

02-16. A. Ordered immediately messaged ..... 663

02-17. S. Received from Assembly ..... 753

02-17. S. Read first time and referred to committee on Senate Organization ..... 754

02-17. S. Available for scheduling

03-14. S. Public hearing requirement waived by committee on Senate Organization, pursuant to Senate Rule 18 (1m), Ayes 3, Noes 2

03-14. S. Placed on calendar 3-15-2016 pursuant to Senate Rule 18(1)

03-15. S. Read a second time

03-15. S. Ordered to a third reading

03-15. S. Rules suspended

03-15. S. Read a third time and **concurred in**, Ayes 19, Noes 13

03-15. S. Ordered immediately messaged

03-16. A. Received from Senate concurred in

**2015**  
**ENROLLED BILL**

15en A B-174

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**ADOPTED DOCUMENTS:**

Orig     Engr    A SubAmdt 2    15 S0224/1

Amendments to above (if none, write "NONE"): AA1

Corrections - show date (if none, write "NONE"): \_\_\_\_\_

Topic Rec CLAUSE

9/18/14  
Date

[Signature]  
Enrolling Drafter



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRBs0224/1  
SWB:kjf&wlj

**ASSEMBLY SUBSTITUTE AMENDMENT 2,  
TO ASSEMBLY BILL 174**

January 12, 2016 – Offered by Representative KITCHENS.

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

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

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

4           **895.519 Civil liability exemption; private campgrounds.** (1) In this  
5     section:

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

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

11           1. Features of the natural world, such as trees, tree stumps, roots, brush, rocks,  
12    mud, sand, and soil.

- 1           2. Uneven or unpredictable terrain.
- 2           3. Natural bodies of water.
- 3           4. Another camper or visitor at the private campground acting in a negligent
- 4 manner *where the campground owner or employees are not involved*
- 5           5. A lack of lighting, including lighting at campsites.
- 6           6. Campfires in a fire pit or enclosure provided by the campground.
- 7           7. Weather.
- 8           8. Insects, birds, and other wildlife.

*AA2  
1.*

9           (2) Except as provided in sub. (3), a private campground, an owner or operator  
 10 of a private campground, and any employees and officers of a private campground  
 11 or private campground owner or operator are immune from civil liability for acts or  
 12 omissions related to camping at a private campground if a person is injured or killed,  
 13 or property is damaged, as a result of an inherent risk of camping.

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

- 16           (a) Intentionally causes the injury, death, or property damage.
- 17           (b) Acts with a willful or wanton disregard for the safety of the party or the
- 18 property damaged. In this paragraph, “willful or wanton disregard” means conduct
- 19 committed with an intentional or reckless disregard for the safety of others.

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

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

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

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

3           895.519 (1) (a) “Private campground” means a facility that is issued a  
4 campground ~~permit~~ license under s. ~~254.47~~ 97.67 and that is owned and operated by  
5 a private property owner, as defined in s. 895.52 (1) (e).

6           **SECTION 3. Initial applicability.**

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

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

11           (1) The amendment of section 895.519 (1) (a) of the statutes takes effect on July  
12 1, 2016.

13

(END)



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRBa1614/1  
SWB:amn

ASSEMBLY AMENDMENT 2,  
TO ASSEMBLY SUBSTITUTE AMENDMENT 2,  
TO ASSEMBLY BILL 174

January 20, 2016 - Offered by Representative KITCHENS.

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 2, line 4: after "manner" insert " , where the campground owner or  
3 employees are not involved".

4 (END)