



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

**2015 Assembly Bill 174**

**Assembly Substitute  
Amendment 2, As Amended**

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### **2015 ASSEMBLY BILL 174**

Assembly Bill 174 creates immunity from civil liability for a private campground in certain circumstances. Specifically, the bill provides that a private campground, an owner or operator of a private campground, and any employees and agents of a private campground, owner, or operator are immune from civil liability for damage to property or for the death of or injury to an individual that is caused by or occurred during the use of the campground, unless the damage, death, or injury is caused by a willful or wanton act or omission of the owner, operator, employee, or agent.

### **ASSEMBLY SUBSTITUTE AMENDMENT 2**

Assembly Substitute Amendment 2 also creates immunity from civil liability for a private campground. However, the circumstances in which the immunity attaches in the substitute amendment differ from the bill.

Specifically, under the substitute amendment, a private campground, an owner or operator of a private campground, and any employees and officers of a 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. "Inherent risk of camping" means a danger or condition that is an integral part of camping, including dangers posed by any of the following:

- Features of the natural world, such as trees, tree stumps, roots, brush, rocks, mud, sand, and soil.
- Uneven or unpredictable terrain.

- Natural bodies of water.
- Another camper or visitor at the private campground acting in a negligent manner.
- A lack of lighting, including lighting at campsites.
- Campfires in a fire pit or enclosure provided by the campground.
- Weather.
- Insects, birds, and other wildlife.

However, the substitute amendment provides that the immunity does 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 party or the property damaged. "Willful or wanton disregard" means conduct committed with an intentional or reckless disregard for the safety of others.
- 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.

### **ASSEMBLY AMENDMENT 2 TO ASSEMBLY SUBSTITUTE AMENDMENT 2**

Assembly Amendment 2 to Assembly Substitute Amendment 2 provides that the negligence of another camper or visitor at a private campground is an "inherent risk of camping" **where the campground owner or employees are not involved.**

### **BILL HISTORY**

On January 12, 2016, Representative Kitchens offered Assembly Substitute Amendment 2 to Assembly Bill 174, and, on January 20, 2016, Representative Kitchens offered Assembly Amendment 2 to Assembly Substitute Amendment 2.

On January 28, 2016, the Assembly Committee on Judiciary recommended: (1) adoption of Assembly Amendment 2 to Assembly Substitute Amendment 2 on a vote of Ayes, 9; Noes, 0; (2) adoption of Assembly Substitute Amendment 2, as amended, on a vote of Ayes, 6; Noes, 3; and (3) passage of Assembly Bill 174, as amended, on a vote of Ayes, 6; Noes, 3.

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