



State of Wisconsin
2015 - 2016 LEGISLATURE

LRBs0195/1
SWB:kjf

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

December 3, 2015 - Offered by Representatives KITCHENS, JACQUE, ALLEN, BALLWEG, E. BROOKS, CZAJA, EDMING, HORLACHER, KLEEFISCH, KNODL, KRUG, MURPHY, A. OTT, QUINN, RIPP, STEFFEN, THIESFELDT and TITTL.

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. A camper or visitor at the private campground acting in a negligent manner.
- 4 5. A lack of lighting, including lighting at campsites.
- 5 6. Campfires in a fire pit or enclosure provided by the campground.
- 6 7. Weather.
- 7 8. Insects, birds, and other wildlife.

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

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

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

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

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

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

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

