20101541D

HOUSE BILL NO. 1379

Offered January 8, 2020

Prefiled January 8, 2020

A BILL to amend the Code of Virginia by adding in Chapter 2 of Title 35.1 a section numbered 35.1-17.1, relating to campgrounds; inherent risks; liability.

Patron—Leftwich

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 2 of Title 35.1 a section numbered 35.1-17.1 as follows:

§ 35.1-17.1. Campgrounds; inherent risks; liability.

A. As used in this section, "camping" means all aspects of visiting a campground, staying overnight at a campground, and using all areas of a campground.

B. A person who goes camping at a campground shall be presumed to have known the inherent risks of camping. Such inherent risks of camping include:

1. Features of the natural world, such as trees, tree stumps, roots, brush, rocks, sand, water, soil, stinging and biting insects and animals, other wildlife, poisonous or noxious plants, and weather;

2. Uneven or unpredictable terrain;

3. Natural bodies of water and accessories permitting the use of natural bodies of water, including piers, docks, swimming areas, and aquatic or recreation facilities or areas;

4. Another individual at the campground acting in a negligent manner;

5. Lack of lighting;

6. Campfires, whether in a fire pit or enclosure provided by the campground or makeshift by an individual or group at the campground;

7. Violation of safety rules or disregard for signs communicating warnings;

8. Actions by the individual exceeding his physical limitations or abilities that causes his injuries; and

9. Animals of other individuals or groups visiting the campground that cause injury, unless the campground has accepted responsibility for care of the animal.

C. A campground, an owner or operator of a campground, and any employee or officer of a campground shall be immune from civil liability for acts or omissions related to camping at a campground if a person is injured or killed, or the property of an individual or group is damaged, as a result of the inherent risks of camping.

D. Notwithstanding subsection C, a campground, an owner or operator of a campground, and any employee or officer of a campground may be held civilly liable under this section if the person or agents of the campground seeking immunity:

1. Intentionally cause injury, death, or property damage;

2. Act with a willful or wanton disregard for the safety of others or the property of others; or

3. Fail to conspicuously post warning signs of a dangerous inconspicuous condition known on the property if the owner of the campground is aware of the condition by reason of a prior injury involving the same location or the same mechanism of injury.