2022 South Dakota Legislature

House Bill 1176

ENROLLED

AN ACT

ENTITLED An Act to grant immunity from certain liabilities for camping activities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That chapter 34-18 be amended with a NEW SECTION:

Terms used in this Act mean:

(1) "Camping," visiting, staying at, using, and leaving a private campground, including lodging of all types;

(2) "Inherent risks of camping," dangers and hazards from:

(a) Features of the natural world, such as trees, tree stumps, naturally occurring infectious agents, roots, brush, rocks, mud, sand, standing and moving water, and soil;

(b) Uneven and unpredictable terrain;

(c) Natural bodies of water and accessories permitting the use of natural bodies of water, including piers, docks, swimming and aquatic sports, or recreation facilities or areas;

(d) A lack of lighting;

(e) Campfires contained in or outside a fire pit or an enclosure provided by the private campground, bonfires, grass or brush fires, wildfires, and forest fires;

(f) Weather;

(g) Insects, birds, and other wildlife;

(h) A violation of safety rules or a disregard for signs or other methods of communicating warnings;

(i) Another camper or visitor at the private campground acting in a negligent manner, if the private campground owner or an employee or officer of the private campground owner is not involved;

(j) Actions by a camper or visitor that exceed his or her physical limitations or abilities;

(k) Actions by a camper or visitor involving climbing, rappelling, caving, mountaineering;

(l) Fireworks of a camper, visitor, or offsite entity not authorized by the private campground owner or employee or officer of a private campground owner; and

(m) Any person coming onto the campsite not reported to the private campground owner or an employee or officer of the private campground owner.

(3) "Private campground," any parcel or tract of land, including buildings and other structures, that is owned or operated by a private property owner where five or more campsites are made available for use as temporary living quarters for recreational, camping, travel, or seasonal use. The term also includes recreational vehicle parks.

Section 2. That chapter 34-18 be amended with a NEW SECTION:

Except as provided under section 3 of this Act, a private campground owner, or an employee or officer of a private campground owner, is not liable if a person is injured or killed or property is damaged as a result of an inherent risk of camping.

Section 3. That chapter 34-18 be amended with a NEW SECTION:

The provisions of section 2 of this Act do not limit the liability of a private campground owner or an employee or officer of a private campground owner who:

(1) Intentionally causes the injury, death, or property damage;

(2) Acts with a willful or wanton disregard for the safety of the person or property damaged. This includes conduct committed with an intentional or reckless disregard for the safety of others;

(3) Fails to use that degree of care that an ordinarily careful and prudent person would use under the same or similar circumstances; or

(4) Fails to conspicuously post warning signs of a dangerous, inconspicuous condition known to the owner of the private campground, or his or her employees or officers, on the property that the owner owns, leases, rents, or is otherwise in lawful control of or in possession of, if the owner, employee, or officer is aware of the condition by reason of a prior injury involving the same location or the same mechanism of

injury. Such warning signs must appear in black letters on a white background with each letter a minimum of one inch in height.

Section 4. That chapter 34-18 be amended with a NEW SECTION:

Every written contract entered into by a private campground owner or an employee or officer of a private campground owner must contain, in clearly readable print, the warning notice specified in this section. A warning sign must be posted at the entrance or registration desk of a private campground. The signs described in section 3, subdivision (4) of this Act and contracts described in this section must contain the following warning:

WARNING

Under South Dakota law, a private campground owner or an employee or officer of a private campground owner is not liable for an injury to or the death of a person or any property damage resulting from the inherent risks of camping.

An Act to grant immunity from certain liabilities for camping activities.

I certify that the attached Act originated in the:

House as Bill No. 1176

_____
Chief Clerk

_____
Speaker of the House

Attest:

_____
Chief Clerk

_____
President of the Senate

Attest:

_____
Secretary of the Senate

House Bill No. 1176
File No. ____
Chapter No. _____

Received at this Executive Office
this _____ day of _____,

2022 at _____M.

By _____
for the Governor

The attached Act is hereby
approved this _____ day of
_____, A.D., 2022

_____
Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Filed _____, 2022
at _____ o'clock __M.

_____
Secretary of State

By _____
Asst. Secretary of State