



Connecticut Campground Owners Association

P.O. Box 1286

Waterbury, CT 06702-1286

203-525-5644

Jim Whitney, President/CEO
Brian Korten, Chairman of the Board



Judiciary Committee Testimony March 15, 2021

Dear Co-Chair Winfield, Co-Chair Stafstrom, and Members of the Judiciary Committee:

We are writing to you representing Connecticut's privately owned campgrounds as the Connecticut Campground Owners Association.

We are in **full support** of HB 5125 - AN ACT CONCERNING THE PROVISION OF IMMUNITY FROM CIVIL LIABILITY FOR ENTITIES THAT HAVE OPERATED PURSUANT TO HEALTH AND SAFETY GUIDELINES DURING THE COVID-19 PANDEMIC.

Obviously, the past year has been particularly challenging for businesses in Connecticut and the type of support this bill provides is a very welcome recognition of the importance of small businesses in Connecticut. We were very fortunate to be able to work with the state and local health departments to coming up with a safe and responsible way to provide a perfect self-isolation, stay in place solution in our campgrounds. Everyone worked extremely hard to ensure the safety of both our campers and our staffs. It was a true, and highly effective, partnership.

In the spirit of continuing this partnership, we are asking that you consider adding language regarding "inherent risk" for camping and other forms of outdoor recreation to this bill. Camping, like other outdoor activities, comes with inherent risks—dangers can arise from encountering uneven terrain, natural bodies of water, features of nature such as tree stumps or roots, wildlife or other elements of the natural world. **This is not about protecting campground owners from negligence on their part;** it is designed to shield them from liability for injuries that may occur because of campers encountering risks that exist in the natural world and are beyond the campground owners/operators control. Other segments of the outdoor recreation industry, such as the skiing and equestrian industries, already have similar protections in place. Additionally, multiple other states are considering similar action in the 2021 legislative session. We have attached proposed language for your consideration.

We look forward to your support and thank you for all your hard work on behalf of the citizens and small businesses in Connecticut.

Jim Whitney
Executive Director
Connecticut Campground
Owners Association

Brian Korten
Board Chair
Connecticut Campground
Owners Association
Owner-Water's Edge Campground
Lebanon, CT

Peter Brown
Board Chair
National Association of RV Parks
and Campgrounds
Owner- Lone Oak Campsites
East Canaan, CT

The campground industry in Connecticut is a significant economic contributor with almost a quarter of a billion dollars (\$210,700,000) of expenditures annually. Almost 1,000 direct jobs with \$36.1 million in annual direct wages are a result of these small businesses. (Sources: RV Industry Association, Connecticut Campground Owners Association, Connecticut Center for Economic Analysis)



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Inherent Risk Proposed Legislative Language

(1). A private campground owner or an employee or officer of a private campground owner shall not be liable 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**.

(2) "**Inherent risks of camping**", those dangers, hazards, or conditions that are an integral part of camping including, but not limited to, the following:

(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; various wildlife

(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, including lighting at campsites.

(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 and weather-related events.

(h) Animals of other campers or visitors that cause injury unless the private campground owner or an employee or officer of the private campground owner has accepted responsibility for care of the animal.

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

(j) 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.

(k) Actions by a camper or visitor that exceed his or her physical limitations or abilities.

(l) Actions by a camper or visitor involving climbing, rappelling, caving, mountaineering, or any other related activity;

(m) Damage caused by fireworks from a camper, visitor, or offsite entity not authorized by the private campground owner.

(3) The provisions of subsection 2 of this section shall not prevent or limit 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. As used in this subdivision, "willful and wanton" means 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