



Rep. Charles Meier

Filed: 3/18/2021

10200HB2176ham001

LRB102 12410 LNS 22977 a

1 AMENDMENT TO HOUSE BILL 2176

2 AMENDMENT NO. _____. Amend House Bill 2176 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Agritourism Liability Act.

6 Section 5. Findings. The General Assembly finds that
7 agriculture plays a substantial role in the economy, culture,
8 and history of this State. As an increasing number of State
9 citizens are removed from day-to-day agricultural experiences,
10 agritourism provides a valuable educational opportunity for
11 the public to interact with, experience, and understand
12 agriculture. In addition, agritourism opportunities provide
13 valuable options for agricultural producers and rural
14 residents to maintain their operations and continue a
15 tradition of economic development in rural areas. On farms and
16 ranches, inherent risks exist that are essentially impossible

1 for agritourism operators to eliminate. Uncertainty
2 surrounding potential liabilities associated with inherent
3 risks negatively impacts the establishment, growth, and
4 success of agritourism operations. The purpose of this Act is
5 to define areas of responsibility and liability for
6 agritourism operators and participants.

7 Section 10. Definitions. As used in this Act:

8 "Agritourism activity" means any activity carried out on a
9 farm or ranch that allows members of the general public, for
10 recreational, entertainment, or educational purposes, to view
11 or enjoy rural activities. "Agritourism activity" includes,
12 but is not limited to: farming; ranching; historic, cultural,
13 and on-site educational programs; guided and self-guided
14 tours; animal exhibitions; farm festivals; corn mazes;
15 harvest-your-own operations; hayrides; fishing; hiking; and
16 camping.

17 "Agritourism operator" means any person or business
18 providing one or more agritourism activities, whether or not
19 for compensation.

20 "Inherent risks of agritourism activity" means those
21 dangers or conditions that are an integral part of an
22 agritourism activity, such as surface and subsurface
23 conditions, natural conditions of land, vegetation, waters,
24 the behavior of wild or domestic animals or insects, and
25 ordinary dangers of structures or equipment when the

1 structures or equipment are being used or stored by an
2 agritourism provider in a manner and for a purpose for which a
3 reasonable person should know that structures or equipment is
4 intended in the ordinary use on farming and ranching
5 operations. "Inherent risks of agritourism activity" includes
6 the potential of a participant to act in a negligent manner
7 that may contribute to injury to the participant or others,
8 such as failing to follow instructions given by the
9 agritourism operator or failing to exercise reasonable caution
10 while engaging in the agritourism activity.

11 "Participant" means any person, other than the agritourism
12 operator, who engages in an agritourism activity.

13 Section 15. Liability.

14 (a) Except as provided in Section 20, an agritourism
15 operator is not liable for the injury or death of a participant
16 resulting from the inherent risks of agritourism activities if
17 the warning notice contained in Section 30 is posted as
18 required.

19 (b) Except as provided in Section 20, a participant
20 assumes the inherent risks of an agritourism activity by
21 engaging in the agritourism activity.

22 (c) Except as provided in Section 20, no participant or
23 participant's representative may pursue an action or recover
24 from an agritourism operator for the injury, loss, damage, or
25 death of the participant resulting from any of the inherent

1 risks of agritourism activities.

2 Section 20. Exceptions.

3 Nothing in Section 15 prevents or limits the liability of
4 an agritourism operator if the agritourism operator:

5 (1) commits an act or omission that constitutes
6 willful or wanton disregard for the safety of the
7 participant, and that act or omission proximately causes
8 injury, damage, or death to the participant; or

9 (2) has actual knowledge or reasonably should know of
10 an unusual dangerous condition on the land, facilities, or
11 equipment used in the activity or the dangerous propensity
12 of a particular animal used in such an activity, does not
13 make the danger known to the participant, and the danger
14 proximately causes injury, damage, or death to the
15 participant.

16 Section 25. Immunity cumulative. Any limitation on legal
17 liability afforded by Section 15 to an agritourism operator is
18 in addition to any other limitations of legal liability
19 otherwise provided by law.

20 Section 30. Signage. In a clearly visible location at or
21 near the entrance to the agritourism activity, an agritourism
22 operator shall post and maintain signage that contains the
23 following warning notice:

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"NOTICE

2 You are assuming the risk of participating in this agritourism
3 activity. Inherent risks associated with agritourism
4 activities include, among others, risks of injury inherent to
5 land, trees, plants, insects, equipment, weather, and animals,
6 as well as the potential that if you act in a negligent manner,
7 injury to yourself or others may occur. Under State law, the
8 agritourism operator is not liable for the injury or death of a
9 participant in an agritourism activity resulting from the
10 inherent risks of agritourism activities."".