



April 8, 2013

TO: SENATE COMMITTEE ON JUDICIARY

FROM: OREGON DESTINATION MARKETING ORGANIZATIONS

RE: STATEMENT REGARDING SB 815

The Oregon Destination Marketing Organizations (ODMO) strongly supports the growing agri-tourism industry in Oregon and urges your **consideration** of **SB 815**. ODMO is a non-profit organization representing destination marketing organizations, convention and visitors bureaus and chambers of commerce responsible for marketing specific geographic areas as visitor destinations. Agri-tourism is becoming a larger component of tourism in Oregon and thus a more significant component of destination marketing organizations' marketing strategies.

Agri-tourism activities in Oregon run the gamut from harvest festivals to class field trips to celebratory events. Adding agri-tourism activities to their business mix may be good for the farm owners' bottom line, rural jobs and the economy but any time visitors come on to farmland, there is a possibility of risk. Liability insurance coverage can be expensive or difficult to obtain for agri-tourism activities and has proven to be a potential barrier to success.

SB 815 stipulates that an agri-tourism provider is not liable for injury to or the death of a participant arising out of inherent risks of agri-tourism if the agri-tourism provider posts certain notices. This liability waiver does not exempt the provider if the action arises out of an act that:

- constitutes willful or wanton disregard for the safety of a participant
- intentionally injures the participant
- provides equipment to the participant and fails to make reasonable and prudent inspection of the equipment and the failure of that equipment is a cause of the injury
- provider knows or should have known that a dangerous latent condition exists on the land upon which the participant sustains injuries

SB 815 is based on a statute adopted in North Carolina in 2005 which provides some protection for agri-tourism farms in that state. There is some precedent in Oregon for similar liability protection in that we currently have the Equine Liability Act. It stipulates that an equine sponsor or an equine professional is immune from liability for the death or injury of a participant, arising out of riding, training, driving, grooming or riding as a passenger upon an equine. However, there are exceptions to the statute: an equine sponsor or professional will be held liable for injuries of an equine activity participant if he or she displays a willful and wanton or intentional disregard for the safety of the participant.

ODMO believes that the Legislature should adopt legislation to address the insurance liability issue and the potential barrier it plays in the success of agri-tourism in Oregon.