

# Senate Bill 815

Sponsored by Senator THOMSEN

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Provides that agri-tourism provider is not liable for injury to or death of participant arising out of inherent risks of agri-tourism activities if agri-tourism provider posts certain notices. Provides exceptions.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to agri-tourism; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. As used in sections 1 to 3 of this 2013 Act:**

5 (1) **"Agri-tourism activity"** means an activity carried out on a farm or ranch that allows  
6 members of the general public, for recreational, entertainment or education purposes, to  
7 observe or engage in rural activities, including but not limited to farming, ranching, historic,  
8 cultural or harvest-your-own activities.

9 (2) **"Agri-tourism provider"** means a person that provides an agri-tourism activity,  
10 whether or not for compensation.

11 (3) **"Inherent risks of agri-tourism activity"** means:

12 (a) **Dangers or conditions that are an integral part of an agri-tourism activity, including**  
13 **but not limited to surface and subsurface conditions, natural conditions of land, vegetation**  
14 **and waters, the behavior of wild or domestic animals and ordinary dangers of structures or**  
15 **equipment ordinarily used in farming and ranching operations.**

16 (b) **The potential that a participant may act in a negligent manner that may contribute**  
17 **to injury to the participant or others, including but not limited to failing to follow in-**  
18 **structions given by an agri-tourism provider or failing to exercise reasonable caution while**  
19 **engaging in an agri-tourism activity.**

20 (4) **"Participant"** means an individual, other than an agri-tourism provider, who engages  
21 in an agri-tourism activity.

22 **SECTION 2. (1) Except as provided in subsections (2) and (3) of this section, an agri-**  
23 **tourism provider that posts the notices required under section 3 of this 2013 Act is not liable**  
24 **for an injury to or the death of a participant arising from the inherent risks of an agri-**  
25 **tourism activity.**

26 (2) **Subsection (1) of this section does not limit the liability of an agri-tourism provider**  
27 **if the agri-tourism provider:**

28 (a) **Commits an act or omission that constitutes willful or wanton disregard for the**  
29 **safety of the participant and that act or omission is a cause of injury to the participant;**

30 (b) **Intentionally injures the participant;**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (c) Provides equipment to the participant and fails to make reasonable and prudent in-  
2 spection of the equipment, and that failure is a cause of the injury to the participant; or

3 (d) Owns, leases, rents or otherwise is in possession and control of the land or facilities  
4 upon which the participant sustains injuries because of a dangerous latent condition that is  
5 known to or should be known to the agri-tourism provider and for which warning signs are  
6 not conspicuously posted.

7 (3) Subsection (1) of this section does not limit the liability of an agri-tourism provider  
8 under the product liability provisions of ORS 30.900 to 30.920.

9 **SECTION 3.** (1) An agri-tourism provider shall conspicuously post the notice specified in  
10 subsection (2) of this section:

11 (a) At the entrance to the agri-tourism site;

12 (b) At any location where an agri-tourism activity takes place; and

13 (c) In every written contract entered into between the agri-tourism provider and a par-  
14 ticipant.

15 (2) The notice required by subsection (1) of this section must be substantially as follows:  
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17 **WARNING**  
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20 Under Oregon law, there is no liability for an injury to or the death of a participant in  
21 an agri-tourism activity conducted at this agri-tourism location if the injury or death results  
22 from the inherent risks of the agri-tourism activity. Inherent risks of agri-tourism activities  
23 include, but are not limited to, risks of injury inherent to land, equipment and animals, as  
24 well as the potential for you to act in a negligent manner that may contribute to your injury  
25 or death. You are assuming the risk of participating in this agri-tourism activity.  
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28 **SECTION 4.** Sections 1 to 3 of this 2013 Act apply only to causes of action that arise on  
29 and after the effective date of this 2013 Act.

30 **SECTION 5.** This 2013 Act being necessary for the immediate preservation of the public  
31 peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect  
32 on its passage.  
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