

Enrolled
Senate Bill 341

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CHAPTER

AN ACT

Relating to agri-tourism; and declaring an emergency.

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

SECTION 1. As used in sections 1 to 3 of this 2015 Act:

(1) “Agri-tourism activity” means an activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment or educational purposes, to view or enjoy rural activities, including farming, wineries, ranching and historical, cultural or harvest-your-own activities or natural activities and attractions. An activity is an agri-tourism activity whether or not the participant paid to participate in the activity.

(2) “Agri-tourism professional” means a person who is engaged in the business of providing one or more agri-tourism activities, whether or not for compensation.

(3) “Farm or ranch” means an area of land used for the production, cultivation, growing, harvesting or processing of agricultural products.

(4) “Inherent risks of agri-tourism activity” means those dangers or conditions that are an integral part of an agri-tourism activity, including:

- (a) Surface and subsurface conditions;
- (b) Natural conditions of land, vegetation and waters;
- (c) The behavior of wild or domestic animals;
- (d) Ordinary dangers of structures or equipment ordinarily used in farming and ranching operations; and
- (e) The potential of a participant to act in a negligent manner that may contribute to injury to the participant or others, including failing to follow instructions given by the agri-tourism professional or failing to exercise reasonable caution while engaging in the agri-tourism activity.

(5) “Participant” means an individual other than an agri-tourism professional who engages in an agri-tourism activity.

SECTION 2. (1) Except as provided in subsections (2) and (3) of this section, an agri-tourism professional that posts the notices required under section 3 of this 2015 Act is not liable for an injury to or the death of a participant arising from the inherent risks of an agri-tourism activity.

(2) Subsection (1) of this section does not limit the liability of an agri-tourism professional if the agri-tourism professional:

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

(b) Intentionally injures the participant;

(c) Provides equipment to the participant and fails to make reasonable inspection of the equipment, and that failure is a cause of the injury to the participant;

(d) Fails to make reasonable inspection of the property on which the agri-tourism activity occurs, and that failure is a cause of the injury to the participant;

(e) Has actual knowledge or reasonably should have known of a dangerous condition on the land or in the facilities or equipment used in the activity, or of the dangerous propensity of a particular animal used in the activity, and does not make the danger known to the participant, and the danger causes injury, damage or death to the participant; or

(f) Fails to obtain necessary authorization for the agri-tourism activity under ORS 215.213 or 215.283.

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

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

(a) At the entrance to the agri-tourism site, in black letters at least one inch in height;

(b) At any location where an agri-tourism activity takes place, in black letters at least one inch in height; and

(c) In every written contract entered into between the agri-tourism professional and a participant.

(2) The notice required by subsection (1) of this section must read as follows:

WARNING

Under Oregon law, there is no liability for an injury to or the death of a participant in an agri-tourism activity conducted at this agri-tourism location if the injury or death results from the inherent risks of the agri-tourism activity. Inherent risks of agri-tourism activities are risks of injury inherent to land, equipment and animals, as well as the potential for you to act in a negligent manner that may contribute to your injury or death. You are assuming the risk of participating in this agri-tourism activity.

SECTION 4. Sections 1 to 3 of this 2015 Act apply only to causes of action that arise on or after the effective date of this 2015 Act.

SECTION 5. This 2015 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect on its passage.

Passed by Senate May 4, 2015

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House June 11, 2015

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Tina Kotek, Speaker of House

Received by Governor:

.....M,....., 2015

Approved:

.....M,....., 2015

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2015

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Jeanne P. Atkins, Secretary of State