

SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION

S.F. No. 152

(SENATE AUTHORS: SCHMIT, Dahms, Sparks and Jensen)

DATE	D-PG	OFFICIAL STATUS
01/15/2015	76	Introduction and first reading Referred to Judiciary
01/20/2015	94	Author added Sparks
01/21/2015	108	Author added Jensen
01/26/2015	136	Withdrawn and re-referred to Jobs, Agriculture and Rural Development
02/09/2015		Comm report: To pass as amended and re-refer to Judiciary

A bill for an act

relating to civil liability; providing immunity from liability for certain agritourism activities; proposing coding for new law in Minnesota Statutes, chapter 604A.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **[604A.40] AGRITOURISM; IMMUNITY FROM LIABILITY.**

Subdivision 1. **Definitions.** (a) For the purposes of this section, the terms in paragraphs (b) to (g) have the meanings given them.

(b) "Agricultural products" means livestock, aquaculture, poultry, horticultural, floricultural, viticultural, silvicultural, or other products of a farm or ranch.

(c) "Agritourism activity" means activity carried out on a farm or ranch that allows organizations or members of the general public, for recreational, entertainment, charitable, or educational purposes, to view, enjoy, or participate in rural activities, including farming; viticulture; winemaking; ranching; and historical, cultural, farm stay, gleaning, harvest-your-own, or natural activities and attractions. An activity is an agritourism activity whether or not the participant pays to participate in the activity.

(d) "Agritourism professional" means a person who is engaged in the business of providing one or more agritourism activities, whether or not for compensation.

(e) "Farm or ranch" means one or more areas of land used for the production, cultivation, growing, harvesting, or processing of agricultural products.

(f) "Inherent risks of agritourism activity" mean dangers or conditions that are an integral part of an agritourism activity including but not limited to:

(1) natural hazards and conditions of land, vegetation, and waters including surface and subsurface conditions;

(2) the behavior of wild or domestic animals; and

2.1 (3) ordinary dangers of structures or equipment ordinarily used in farming or
2.2 ranching operations.

2.3 Inherent risks of agritourism activity also include the potential of a participant to act
2.4 in a negligent manner that may contribute to injury, damage, or death of the participant or
2.5 others, including failing to follow instructions given by an agritourism professional or
2.6 failing to exercise reasonable care while engaging in the agritourism activity.

2.7 (g) "Participant" means a person, other than an agritourism professional, who
2.8 engages in an agritourism activity.

2.9 Subd. 2. **Liability limited.** (a) Except as provided in paragraph (b), an agritourism
2.10 professional is not liable for injury, damage, or death of a participant resulting from the
2.11 inherent risks of agritourism activities.

2.12 (b) Nothing in paragraph (a) prevents or limits the liability of an agritourism
2.13 professional if the agritourism professional:

2.14 (1) commits an act or omission that constitutes gross negligence or willful or wanton
2.15 disregard for the safety of the participant, and that act or omission proximately causes
2.16 injury, damage, or death of the participant;

2.17 (2) has actual knowledge or reasonably should have known of a dangerous condition
2.18 on the land or in the facilities or equipment used in the activity, or the dangerous propensity
2.19 of a particular animal used in such activity, and does not make the danger known to the
2.20 participant, and the danger proximately causes injury, damage, or death of the participant; or

2.21 (3) intentionally injures the participant.

2.22 (c) Any limitation on liability afforded by this section to an agritourism professional
2.23 is in addition to any other limitations of liability otherwise provided by law.

2.24 Subd. 3. **Posting notice.** An agritourism professional shall post plainly visible
2.25 signs at one or more prominent locations in the premises where the agritourism activity
2.26 takes place that include a warning of the inherent risks of agritourism activity and the
2.27 limitation of liability under this section.

2.28 **EFFECTIVE DATE.** This section is effective the day following final enactment
2.29 and applies to actions arising from injury, damage, or death occurring on or after that date.