

Superseded 5/12/2015

78B-4-512 Affirmative defense for agri-tourism industry.

- (1) As used in this section, "agri-tourism" means an activity that allows members of the general public to view or enjoy agricultural related activities, including farming, ranching, or historic, cultural, or natural attractions, for recreational, entertainment, or educational purposes.
 - (a) An activity may be an agri-tourism activity whether or not the participant pays to participate in the activity.
 - (b) An activity is not an agri-tourism activity if the participant is paid to participate in the activity.
- (2) In any action for damages for personal injury, death, or property damage in which an owner or operator of an agri-tourism activity is named as a defendant, it shall be an affirmative defense to liability that:
 - (a) the injured person deliberately disregarded conspicuously posted signs, verbal instructions, or other warnings regarding safety measures during the activity; or
 - (b) any equipment, animals, or appliance used by the injured person during the activity were used in a manner or for a purpose other than that for which a reasonable person should have known they were intended.