

DEFINITION OF AGRI-TOURISM

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael T. Morley

Senate Sponsor: John W. Hickman

LONG TITLE

General Description:

This bill provides an affirmative defense for an operator of an agri-tourism activity.

Highlighted Provisions:

This bill:

- ▶ defines agri-tourism;
- ▶ provides an affirmative defense for an owner or operator of an agri-tourism activity

if:

- the injured person disregarded safety measures; or
- any equipment, including animals, utilized during the activity was used in an

unsafe manner; and

- ▶ provides a rebuttable presumption that if a license, permit, or bond was obtained for the activity, the owner or operator conducted the activity in conformity with the license, permit, or bond.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

78-27-66, Utah Code Annotated 1953



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Be it enacted by the Legislature of the state of Utah:

Section 1. Section **78-27-66** is enacted to read:

78-27-66. Affirmative defense for agri-tourism industry.

(1) As used in this section, "agri-tourism" means any activity which 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 they were intended.

(3) There is a rebuttable presumption that an owner or operator of an agri-tourism activity, if licensed, permitted, or bonded, operated the activity in conformity with all statutes, rules, and regulations governing the license, permit, or bond.

Legislative Review Note
as of 1-31-07 2:58 PM

Office of Legislative Research and General Counsel