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**AFFIRMATIVE DEFENSE FOR  
AGRI-TOURISM ACTIVITY**

2008 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Michael T. Morley**

Senate Sponsor: Margaret Dayton

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**LONG TITLE**

**Committee Note:**

The Natural Resources, Agriculture, and Environment Interim Committee recommended this bill.

**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 the owner or operator conducted the activity in conformity with all applicable rules and regulations covering the activity.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None



28 Utah Code Sections Affected:

29 ENACTS:

30 ~~§~~ → [ ~~78-27-66~~ ] 78B-4-512 ← ~~§~~ , Utah Code Annotated 1953

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

33 Section 1. ~~§~~ → [ ~~Section 78-27-66~~ ] 78B-4-512 ← ~~§~~ is enacted to read:

34 **78-27-66. Affirmative defense for agri-tourism industry.**

35 (1) As used in this section, "agri-tourism" means an activity that allows members of the  
36 general public to view or enjoy agricultural related activities, including farming, ranching, or  
37 historic, cultural, or natural attractions, for recreational, entertainment, or educational purposes.

38 (a) An activity may be an agri-tourism activity whether or not the participant pays to  
39 participate in the activity.

40 (b) An activity is not an agri-tourism activity if the participant is paid to participate in  
41 the activity.

42 (2) In any action for damages for personal injury, death, or property damage in which  
43 an owner or operator of an agri-tourism activity is named as a defendant, it shall be an  
44 affirmative defense to liability that:

45 (a) the injured person deliberately disregarded conspicuously posted signs, verbal  
46 instructions, or other warnings regarding safety measures during the activity; or

47 (b) any equipment, animals, or appliance used by the injured person during the activity  
48 were used in a manner or for a purpose other than that for which ~~§~~ → a reasonable person should  
48a have known ← ~~§~~ they were intended.

49 ~~§~~ → [(3) There is a rebuttable presumption that an owner or operator of an agri-tourism  
50 activity operated the activity in conformity with all applicable statutes, rules, and regulations  
51 governing the operation of the activity.] ← ~~§~~

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Legislative Review Note  
as of 10-26-07 2:33 PM

Office of Legislative Research and General Counsel

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**H.B. 32 - Affirmative Defense for Agri-tourism Activity**

**Fiscal Note**

2008 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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