

**AFFIRMATIVE DEFENSE FOR
AGRI-TOURISM ACTIVITY**

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael T. Morley

Senate Sponsor: Margaret Dayton

Cosponsors:

Kerry W. Gibson

John G. Mathis

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; and
- ▶ 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.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

78B-4-512, Utah Code Annotated 1953

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

Section 1. Section **78B-4-512** is enacted to read:

30 **78B-4-512. Affirmative defense for agri-tourism industry.**

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

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

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

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

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

43 (b) any equipment, animals, or appliance used by the injured person during the activity
44 were used in a manner or for a purpose other than that for which a reasonable person should
45 have known they were intended.