

AMENDMENTS TO SENATE BILL NO. 820

Sponsor: SENATOR GREENLEAF

Printer's No. 1140

1 Amend Bill, page 1, lines 12 through 17; page 2, lines 1
2 through 16; by striking out all of said lines on said pages and
3 inserting

4 "Agritourism activity." Farm-related tourism or farm-related
5 entertainment activity that:

6 (1) takes place on a farm where agricultural,
7 horticultural or silvicultural crops are grown or farm
8 animals or farmed fish are raised; and

9 (2) allows members of the general public, whether or not
10 for a fee, to tour, explore, observe, learn about,
11 participate in or be entertained by an aspect of agricultural
12 production, harvesting, husbandry or rural lifestyle that
13 occurs on the farm.

14 "Agritourism provider." A person who owns, operates,
15 provides or sponsors an agritourism activity or an employee of
16 such a person who engages in or provides agritourism whether or
17 not for a fee.

18 Amend Bill, page 2, line 20, by striking out "operator's" and
19 inserting

20 agritourism provider's

21 Amend Bill, page 2, lines 26 through 30; page 3, lines 1
22 through 14; by striking out all of said lines on said pages and
23 inserting

24 "Risk inherent in the agritourism activity." A danger or
25 condition that is an integral part of an agritourism activity,
26 including all of the following:

27 (1) Surface and subsurface conditions of land and the
28 natural condition of vegetation and water on the property.

29 (2) The behavior or actions of wild animals not kept by
30 or under the control of an agritourism provider.

31 (3) The ordinary dangers associated with structures or
32 equipment ordinarily used in farming or ranching operations.

33 (4) The possibility of being injured or contracting

1 illness as a result of physical contact with animals, animal
2 feed, animal waste or surfaces contaminated by animal waste.

3 (5) The possibility that a participant in the
4 agritourism activity may act in a negligent manner, including
5 by failing to follow instructions given by an agritourism
6 provider or by failing to exercise reasonable caution while
7 engaging in the agritourism activity that may contribute to
8 injury to the participant or another participant.

9 Section 3. Immunity from liability.

10 (a) Agritourism providers.--

11 (1) Except as otherwise provided in subsection (c), in a
12 civil action, an agritourism provider shall be immune from
13 liability for any harm a participant sustains during an
14 agritourism activity if the participant is harmed as a result
15 of a risk inherent in the agritourism activity.

16 (2) Nothing in this section shall be construed to
17 require an agritourism provider to eliminate risks inherent
18 in agritourism activities.

19 (b) Notices to be posted.--

20 (1) An agritourism provider shall post and maintain
21 signs that contain the warning notice specified in this
22 section and shall place a sign in a clearly visible location
23 at or near each entrance to the agritourism location or at
24 the site of each agritourism activity.

25 (2) The warning notice shall consist of a sign in black
26 letters with each letter to be a minimum of one inch in
27 height and shall contain the following notice of warning:

28 "WARNING: Under Pennsylvania law, there is no liability
29 for an injury to or death of a participant in an
30 agritourism activity conducted at this agritourism
31 location if the injury or death results from the inherent
32 risks of the agritourism activity. Inherent risks of the
33 agritourism activities include, but are not limited to,
34 risk of injury inherent to land, equipment and animals as
35 well as the potential for you as a participant to act in
36 a negligent manner that may contribute to your injury or
37 death. You are assuming the risk of participating in this
38 agritourism activity."

39 (c) Exceptions.--An agritourism provider shall not be immune
40 from civil liability for harm sustained by a participant if any
41 of the following applies:

42 (1) The agritourism provider acts with a willful or
43 wanton disregard for the safety of the participant and
44 proximately causes harm to the participant.

45 (2) The agritourism provider purposefully causes harm to
46 the participants.

47 (3) The agritourism provider's actions or inactions
48 constitute criminal conduct and cause harm to the
49 participant.

50 (4) The agritourism provider fails to post and maintain
51 signs as required by subsection (b).

1 (5) The agritourism provider has actual knowledge or
2 should have actual knowledge of an existing dangerous
3 condition on the land or regarding facilities or equipment on
4 the land that is not an inherent risk and does not make the
5 dangerous condition known to the participant and the
6 dangerous condition proximately causes injury to or death of
7 the participant.