
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1348 Session of
2019

INTRODUCED BY GLEIM, GREINER, CAUSER, PYLE, ECKER, M. K. KELLER,
BERNSTINE, ZIMMERMAN, GILLESPIE, PICKETT, GROVE, KAUFFMAN,
JOZWIAK, OWLETT, MENTZER, HERSHEY, STRUZZI, PASHINSKI, HAHN,
RYAN, IRVIN, MILLARD, BURGOS, BOROWICZ, LAWRENCE, SNYDER,
GREGORY, KLUNK, WARNER, OBERLANDER, RADER, KAIL, GAYDOS,
METCALFE, ROTHMAN, REESE, RIGBY, MOUL AND TOPPER, MAY 1, 2019

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,
MAY 1, 2019

AN ACT

1 Providing for limited civil liability for agritourism activity
2 providers, for notice of limited civil liability and for
3 acknowledgment of limited civil liability.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Agritourism
8 Activity Protection Act.

9 Section 2. Definitions.

10 The following words and phrases when used in this act shall
11 have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

13 "Agritourism activity." As follows:

14 (1) A farm-related tourism or farm-related entertainment
15 activity that:

16 (i) takes place on a farm where agricultural,

1 horticultural or silvicultural crops are grown or farm
2 animals or farmed fish are raised; and

3 (ii) allows members of the general public, whether
4 or not for a fee, to tour, explore, observe, learn about,
5 participate in or be entertained by an aspect of
6 agricultural production, harvesting, husbandry or rural
7 lifestyle that occurs on the farm.

8 (2) The term shall not include overnight accommodations,
9 weddings, concerts or provisions for food and beverage
10 services.

11 "Agritourism activity provider." A person who owns,
12 operates, provides or sponsors an agritourism activity, whether
13 or not for a fee, or an employee of such a person.

14 "Anticipated annual gross income." Gross income normally
15 expected to be generated in one year without the occurrence of a
16 natural disaster or other occurrence or condition beyond the
17 agritourism activity provider's reasonable control.

18 "Farm." An operation commercially engaged in agriculture
19 that:

20 (1) is 10 or more acres in contiguous area; or

21 (2) has an anticipated annual gross income of at least
22 \$2,000 from agricultural production.

23 "Farm-related tourism or farm-related entertainment
24 activity." An activity that utilizes any of the following:

25 (1) Agricultural, horticultural or silvicultural crops
26 or farm animals or farmed fish.

27 (2) Equipment used to grow, process or harvest
28 agricultural, horticultural or silvicultural crops or raise
29 farm animals or farmed fish.

30 "Participant." An individual, other than an employee of an

1 agritourism activity provider, who engages in an agritourism
2 activity.

3 "Participant injury." An injury sustained by a participant
4 arising from an agritourism activity, including bodily injury,
5 emotional distress, death, property damage or any other loss
6 arising from the agritourism activity.

7 Section 3. Limited civil liability for agritourism activity
8 providers.

9 (a) Liability.--Except as otherwise provided by subsection
10 (b), an agritourism activity provider shall not be civilly
11 liable to a person for a participant injury or damages caused as
12 a result of the participant injury if:

13 (1) at the time of the agritourism activity from which
14 the injury or damages occurred, a warning sign was posted in
15 accordance with section 4; or

16 (2) the agritourism activity provider entered into a
17 written agreement with the participant in accordance with
18 section 5 with respect to the agritourism activity from which
19 the injury or damages occurred.

20 (b) Exceptions.--An agritourism activity provider shall not
21 be immune from civil liability for a participant injury or
22 damages caused as a result of the participant injury if any of
23 the following apply:

24 (1) The agritourism activity provider acts with a
25 willful or wanton disregard for the safety of the
26 participant.

27 (2) The agritourism activity provider purposefully
28 causes the participant injury.

29 (3) The agritourism activity provider's action or
30 inaction constitutes criminal conduct and causes the

1 participant injury.

2 (4) The agritourism activity provider has actual
3 knowledge of a dangerous condition of the land, facilities or
4 equipment used in the agritourism activity, does not make the
5 dangerous condition known to the participant and the
6 dangerous condition causes the participant injury.

7 Section 4. Notice of limited civil liability.

8 (a) Notice.--For the purpose of providing notice of the
9 limited liability under section 3, an agritourism activity
10 provider shall post and maintain a sign with a warning notice in
11 accordance with subsection (b). The agritourism activity
12 provider shall post the sign in a clearly visible location at or
13 near each entrance to the farm and at the site of each
14 agritourism activity.

15 (b) Contents.--The warning notice shall consist of a sign
16 that is at least three feet by two feet in dimension and states
17 the following:

18 "WARNING: Under Pennsylvania law, an agritourism activity
19 provider is not liable for any injury to or death of a
20 participant resulting from an agritourism activity."

21 Section 5. Acknowledgment of limited civil liability.

22 For the purpose of enforcing the limited liability under
23 section 3, a written agreement between an agritourism activity
24 provider and a participant shall be enforceable if the written
25 agreement meets all the following criteria:

26 (1) The written agreement is signed before the
27 participant engages in an agritourism activity.

28 (2) The written agreement is signed by the participant
29 or, if the participant is a minor, the participant's parent
30 or guardian.

1 (3) The written agreement is in a document separate from
2 any other agreement between the participant and the
3 agritourism activity provider, except for a document that
4 includes a different warning, consent or assumption of risk
5 statement.

6 (4) The written agreement is printed in not less than
7 10-point bold type.

8 (5) The written agreement contains the following
9 language:

10 "AGREEMENT AND WARNING: I understand and acknowledge
11 that an agritourism activity provider is not liable
12 for any injury to or death of a participant resulting
13 from an agritourism activity. I understand that I
14 have accepted all risk of injury, death, property
15 damage and other loss that may result from an
16 agritourism activity."

17 Section 6. Applicability.

18 This act shall apply to any cause of action that arises on or
19 after the effective date of this section.

20 Section 7. Effective date.

21 This act shall take effect in 60 days.