

AMENDMENTS TO HOUSE BILL NO. 397

Sponsor: REPRESENTATIVE BARBIN

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1 Amend Bill, page 3, by inserting between lines 17 and 18

2 (c) Exceptions.--This chapter does not preclude or limit the
3 liability of an agritourism operator who:

4 (1) (i) Has actual knowledge or reasonably should have
5 known of:

6 (A) a dangerous condition on the land,
7 facilities or equipment used in the agritourism
8 activity; or

9 (B) the dangerous propensity of a particular
10 animal used in the agritourism activity; and

11 (ii) does not make the danger known to the
12 participant and the danger proximately causes injury,
13 damage or death to the participant.

14 (2) Fails to properly train, or improperly or
15 inadequately trains, employees or unpaid workers who are
16 actively involved in agritourism activities and an act or
17 omission of the employee proximately causes injury, damage or
18 death to the participant.

19 (3) Commits an act or omission that:

20 (i) constitutes gross negligence for the safety of
21 the participant; and

22 (ii) caused the injury or death of the participant.

23 (4) Intentionally injures the participant.