

House Bill 584

By: Representatives Hill of the 21st, McCall of the 30th, and England of the 108th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 14 of Title 2 of the Official Code of Georgia Annotated, relating to sale
2 of agricultural and forest products, so as to provide for the regulation of agritourism
3 activities; to provide for legislative intent; to provide for definitions; to provide for
4 limitations regarding liability; to provide for related matters; to repeal conflicting laws; and
5 for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 14 of Title 2 of the Official Code of Georgia Annotated, relating to sale of
9 agricultural and forest products, is amended by adding a new article to read as follows:

10 "ARTICLE 8

11 2-14-170.

12 The General Assembly recognizes that persons who patronize farms offering agritourism
13 activities may incur injuries as a result of inherent risks involved in such activities. The
14 General Assembly also finds that this state and its citizens derive numerous economic,
15 educational, environmental, cultural and personal benefits from such activities. The
16 General Assembly finds, determines, and declares that this article is necessary for the
17 immediate preservation of the public peace, health, and safety. It is, therefore, the intent
18 of the General Assembly to encourage agritourism activities by limiting the civil liability
19 of farmers involved in such activities.

20 2-14-171.

21 As used in this article, the term:

22 (1) 'Agritourism' means any activity:

1 (A) Carried out on property that is a 'bona fide conservation use property' as that term
 2 is defined by Code Section 48-5-7.4; provided, however, that property exceeding 2,000
 3 acres shall be entitled to the protection provided by this Code section so long as the
 4 property meets the other requirements of Code Section 48-5-7.4; and

5 (B) Allowing members of the public, for recreational, entertainment, or educational
 6 purposes, to use, view, or enjoy agricultural property, machinery, resources, goods,
 7 domesticated and wild animals, history, or culture.

8 An activity is an agritourism activity whether or not the participant paid to participate in
 9 the activity.

10 (2) 'Agritourism professional' means a person, actual or corporate, who, for educational
 11 benefit, financial gain, or consideration, leads, hosts, or supervises agritourism activities,
 12 or owns, leases, or rents agricultural property on which agritourism activities occur. As
 13 used in this article, 'agritourism professional' shall include all agents, employees, and
 14 representatives of the agritourism professional.

15 (3) 'Inherent risks of agritourism activity' means those dangers or conditions associated
 16 with agritourism activities that are known to reasonable persons. Such dangers include,
 17 but are expressly not limited to, surface and subsurface conditions; natural conditions of
 18 land, vegetation, and waters; the behavior of wild or domestic animals; the ordinary
 19 dangers of structures or equipment ordinarily used in farming and ranching operations;
 20 and the potential of a participant to act in a negligent manner that may contribute to the
 21 injury to the participant or others.

22 (4) 'Participant' means any person who enters the agricultural property, singly or with a
 23 group, to engage in agritourism activities.

24 2-14-172.

25 (a) Except as provided in subsection (b) of this Code section, an agritourism professional
 26 shall not be liable for an injury to or the death of a participant resulting from that
 27 participant's failure to follow instructions given by the agritourism professional, failure to
 28 exercise reasonable caution while engaging in the agritourism activity, or the inherent risks
 29 of agritourism activities, except as provided in subsection (b) of this Code section.

30 (b) Nothing in subsection (a) of this Code section shall prevent or limit the liability of an
 31 agritourism professional if that agritourism professional:

32 (1) Commits an act or omission of gross negligence that injures the participant;

33 (2) Commits an act or omission that causes an injury to the participant and constitutes
 34 the willful or wanton disregard for the safety of the participant; or

35 (3) Intentionally injures the participant.

1 (c) Nothing in this Code section shall be interpreted to bar or limit any product liability
2 claim arising under the laws of Georgia.

3 2-14-173.

4 (a) Every agritourism professional shall post and maintain signs which contain the warning
5 notice specified in subsection (b) of this Code section. Such signs shall be placed in a
6 clearly visible location at the entrance of the agritourism activity and arenas where the
7 agritourism professional conducts agritourism activities. The warning notice specified in
8 subsection (b) of this Code section shall appear on the sign in black letters, with each letter
9 to be a minimum of one inch in height. Every written contract entered into by an
10 agritourism professional for the providing of professional services, instruction, or the rental
11 of equipment to a participant, whether or not the contract involves agritourism activities
12 on or off the location or site of the agritourism professional's or the agritourism activity
13 sponsor's business, shall contain in clearly readable print the warning notice specified in
14 subsection (b) of this Code section.

15 (b) The signs and contracts described in subsection (a) of this Code section shall contain
16 the following warning notice:

17 **'WARNING**

18 Under Georgia law, an agritourism professional is not liable for an injury to or the death
19 of a participant in agritourism activities resulting from the inherent risks of agritourism
20 activities, pursuant to Article 8 of Chapter 14 of Title 2 of the Official Code of Georgia
21 Annotated.'

22 (c) Failure to comply with the requirements concerning warning signs and notices
23 provided in this Code section shall prevent an agritourism activity sponsor or agritourism
24 professional from invoking the privileges of immunity provided by this article."

25 **SECTION 2.**

26 All laws and parts of laws in conflict with this Act are repealed.