

Senate Bill 272

By: Senators Bulloch of the 11th and Pearson of the 51st

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 to provide limited liability for owners and
3 operators of farms offering agritourism activities under certain circumstances; to provide for
4 legislative findings; to provide for definitions; to provide for warnings and notices; to repeal
5 conflicting laws; and 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 2-14-160.

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 activity. The
14 General Assembly also finds that this state and its citizens derive numerous economic,
15 educational, environmental, cultural, and personal benefits from such activity. The General
16 Assembly finds, determines, and declares that this article is necessary for the immediate
17 preservation of the public peace, health, and safety. It is, therefore, the intent of the
18 General Assembly to encourage agritourism activities by limiting the civil liability of
19 farmers involved in such activities.

20 2-14-161.

21 As used in this article, the term:

22 (1) 'Agritourism' means any activity carried out on real property that is a farm or ranch
23 that allows members of the public, for recreational, entertainment, or educational
24 purposes, to use, view, or enjoy agricultural property, machinery, resources, goods,

1 domesticated and wild animals, history, or culture. An activity is an agritourism activity
2 whether or not the participant paid to participate in such activity.

3 (2) 'Agritourism professional' means a person, actual or corporate, who, for educational
4 benefit, financial gain, or consideration, leads, hosts, or supervises agritourism activities
5 or owns, leases, or rents agricultural property on which agritourism activities occur. Such
6 term shall include also all agents, employees, and representatives of the agritourism
7 profession.

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

15 (4) 'Participant' means any person who enters the farm location, singly or with a group,
16 to engage in agritourism activities.

17 2-14-162.

18 (a) Except as provided in subsection (b) of this Code section, an agritourism professional
19 shall not be liable for an injury to or the death of a participant resulting from such
20 participant's failure to follow instructions given by the agritourism professional, failure to
21 exercise reasonable caution while engaging in the agritourism activity, or the inherent risks
22 of agritourism activities.

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

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

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

28 (3) Intentionally injures the participant.

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

31 2-14-163.

32 (a) Every agritourism professional shall post and maintain signs which contain the warning
33 notice specified in subsection (b) of this Code section. Such signs shall be placed in a
34 clearly visible location at the entrance of the agritourism activity and arenas where the
35 agritourism professional conducts agritourism activities. The warning notice specified in

1 subsection (b) of this Code section shall appear on the sign in black letters, with each letter
2 to be a minimum of one inch in height. Every written contract entered into by an
3 agritourism professional for the providing of professional services, instruction, or the rental
4 of equipment to a participant, whether or not the contract involves agritourism activities
5 on or off the location or site of the agritourism professional's or the agritourism activity
6 sponsor's business, shall contain in clearly readable print the warning notice specified in
7 subsection (b) of this Code section.

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

10 WARNING Under Georgia law, an agritourism professional is not liable for an injury to
11 or the death of a participant in agritourism activities resulting from the inherent risks of
12 agritourism activities, pursuant to Article 8 of Chapter 14 of Title 2 of the Official Code
13 of Georgia Annotated.

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

17 **SECTION 2.**

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