

An Act

ENROLLED SENATE
BILL NO. 595

By: Jech of the Senate

and

Hilbert of the House

An Act relating to farmers markets; creating the Farmers Market Liability Limitation Act; defining terms; limiting liability of farmers market under certain circumstances; providing for codification; and providing an effective date.

SUBJECT: Farmers Market Liability Limitation Act

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-18 of Title 2, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Farmers Market Liability Limitation Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-19 of Title 2, unless there is created a duplication in numbering, reads as follows:

As used in the Farmers Market Liability Limitation Act:

1. "Farmers market" means a market that is registered with the Oklahoma Department of Agriculture, Food, and Forestry;

2. "Farmers Market Operator" means the person who promotes or manages the activities at a farmers market registered with the Department; and

3. "Participant" means any person who attends a farmers market or who sells, purchases or consumes any products offered or sold at a farmers market.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-20 of Title 2, unless there is created a duplication in numbering, reads as follows:

A. Any participant assumes the inherent risk of attending, buying or selling goods at a farmers market registered with the Oklahoma Department of Agriculture, Food, and Forestry. If a participant brings an action for damages arising from the operation of a registered farmers market, the registered farmers market operator may plead an affirmative defense of assumption of risk by the participant.

B. Any limitation on legal liability afforded to a registered farmers market operator by this act shall be in addition to any other limitation of legal liability otherwise provided by law.

C. Nothing in this act shall prevent or limit the liability of a registered farmers market operator if:

1. The registered farmers market operator injures the participant by intentional or willful misconduct; or

2. The registered farmers market operator has actual knowledge of a dangerous condition in the land, facilities or equipment used in the registered farmers market activity or the dangerous propensity of a particular animal used in such activity and does not make the dangerous condition known to the participant and the dangerous condition causes the participant to sustain injuries or death.

SECTION 4. This act shall become effective November 1, 2017.

Passed the Senate the 23rd day of February, 2017.

Presiding Officer of the Senate

Passed the House of Representatives the 26th day of April, 2017.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____