

1 S.231

2 Introduced by Senator Lyons

3 Referred to Committee on

4 Date:

5 Subject: Court procedure; immunity from liability; agritourism

6 Statement of purpose of bill as introduced: This bill proposes to make  
7 providers of agritourism activities immune from civil liability when  
8 participants are injured as a result of risks inherent in the activity.

9 An act relating to immunity from liability for agritourism activities

10 It is hereby enacted by the General Assembly of the State of Vermont:

11 Sec. 1. 12 V.S.A. § 5784 is added to read:

12 § 5784. AGRITOURISM ACTIVITIES

13 (a) An agritourism provider shall not be subject to civil liability for harm  
14 sustained by a participant in the provider's agritoursim activities if the  
15 participant is harmed as a result of a risk inherent in the agricultural activity.

16 (b)(1) This section shall not apply to gross negligence, recklessness, or  
17 intentional misconduct on the part of the agritourism provider.

18 (2) This section shall not apply if the harm to the participant is  
19 proximately caused by a dangerous condition that:

20 (A) is not a risk inherent in the agritourism activity; and

1           (B) the agritourism provider knows or should know of the dangerous  
2           condition and does not disclose it to the participant.

3           (c) As used in this section:

4           (1) “Agritourism activity” means an agriculturally related educational,  
5           entertainment, historical, cultural, or recreational activity, including  
6           pick-your-own operations and farm markets, that is conducted on a farm that  
7           allows or invites members of the public to observe or participate in the activity,  
8           whether or not a fee is charged.

9           (2) “Agritourism provider” means a person who owns, operates, or  
10           sponsors an agritourism activity, or a person who is employed by or volunteers  
11           for an agritourism provider.

12           (3) “Risk inherent in an agritourism activity” means a danger or  
13           condition that is an integral part of an agritourism activity.

14           Sec. 2. EFFECTIVE DATE

15           This act shall take effect on passage.