



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB0458

Introduced 2/19/2021, by Sen. Craig Wilcox

SYNOPSIS AS INTRODUCED:

New Act

Creates the Agritourism Liability Act. Provides that an agritourism operator is not liable for the injury or death of a participant resulting from the inherent risks of agritourism activities if the agritourism operator posts the prescribed warning notice. Provides that a participant assumes the inherent risks of an agritourism activity by engaging in the agritourism activity. Provides that no participant may pursue an action or recover from an agritourism operator for injury, loss, damage, or death of the participant resulting from any of the inherent risks of agritourism activities. Provides that nothing prevents or limits the liability of an agritourism operator if the agritourism operator: (1) commits an act or omission that constitutes willful or wanton disregard for the safety of the participant and that act or omission proximately causes injury, damage, or death to the participant; or (2) has actual knowledge or reasonably should know of an unusual dangerous condition on the land, facilities, or equipment used in the activity or the dangerous propensity of a particular animal used in such an activity, does not make the danger known to the participant, and the danger proximately causes injury, damage, or death to the participant. Provides that an agritourism operator shall post and maintain a warning notice in a clearly visible location at or near the entrance to the agritourism activity. Effective July 1, 2021.

LRB102 10155 LNS 15477 b

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Agritourism Liability Act.

6 Section 5. Findings. The General Assembly finds that
7 agriculture plays a substantial role in the economy, culture,
8 and history of this State. As an increasing number of State
9 citizens are removed from day-to-day agricultural experiences,
10 agritourism provides a valuable educational opportunity for
11 the public to interact with, experience, and understand
12 agriculture. In addition, agritourism opportunities provide
13 valuable options for agricultural producers and rural
14 residents to maintain their operations and continue a
15 tradition of economic development in rural areas. On farms and
16 ranches, inherent risks exist that are essentially impossible
17 for agritourism operators to eliminate. Uncertainty
18 surrounding potential liabilities associated with inherent
19 risks negatively impacts the establishment, growth, and
20 success of agritourism operations. The purpose of this Act is
21 to define areas of responsibility and liability for
22 agritourism operators and participants.

1 Section 10. Definitions. As used in this Act:

2 "Agritourism activity" means any activity carried out on a
3 farm or ranch that allows members of the general public, for
4 recreational, entertainment, or educational purposes, to view
5 or enjoy rural activities. "Agritourism activity" includes,
6 but is not limited to: farming; ranching; historic, cultural,
7 and on-site educational programs; guided and self-guided
8 tours; animal exhibitions; farm festivals; corn mazes;
9 harvest-your-own operations; hayrides; fishing; hiking; and
10 camping.

11 "Agritourism operator" means any person or business
12 providing one or more agritourism activities, whether or not
13 for compensation.

14 "Inherent risks of agritourism activity" means those
15 dangers or conditions that are an integral part of an
16 agritourism activity, such as surface and subsurface
17 conditions, natural conditions of land, vegetation, waters,
18 the behavior of wild or domestic animals or insects, and
19 ordinary dangers of structures or equipment when the
20 structures or equipment are being used or stored by an
21 agritourism provider in a manner and for a purpose for which a
22 reasonable person should know that structures or equipment is
23 intended in the ordinary use on farming and ranching
24 operations. "Inherent risks of agritourism activity" includes
25 the potential of a participant to act in a negligent manner
26 that may contribute to injury to the participant or others,

1 such as failing to follow instructions given by the
2 agritourism operator or failing to exercise reasonable caution
3 while engaging in the agritourism activity.

4 "Participant" means any person, other than the agritourism
5 operator, who engages in an agritourism activity.

6 Section 15. Liability.

7 (a) Except as provided in Section 20, an agritourism
8 operator is not liable for the injury or death of a participant
9 resulting from the inherent risks of agritourism activities if
10 the warning notice contained in Section 30 is posted as
11 required.

12 (b) Except as provided in Section 20, a participant
13 assumes the inherent risks of an agritourism activity by
14 engaging in the agritourism activity.

15 (c) Except as provided in Section 20, no participant or
16 participant's representative may pursue an action or recover
17 from an agritourism operator for the injury, loss, damage, or
18 death of the participant resulting from any of the inherent
19 risks of agritourism activities.

20 Section 20. Exceptions.

21 Nothing in Section 15 prevents or limits the liability of
22 an agritourism operator if the agritourism operator:

23 (1) commits an act or omission that constitutes
24 willful or wanton disregard for the safety of the

1 participant, and that act or omission proximately causes
2 injury, damage, or death to the participant; or

3 (2) has actual knowledge or reasonably should know of
4 an unusual dangerous condition on the land, facilities, or
5 equipment used in the activity or the dangerous propensity
6 of a particular animal used in such an activity, does not
7 make the danger known to the participant, and the danger
8 proximately causes injury, damage, or death to the
9 participant.

10 Section 25. Immunity cumulative. Any limitation on legal
11 liability afforded by Section 15 to an agritourism operator is
12 in addition to any other limitations of legal liability
13 otherwise provided by law.

14 Section 30. Signage. In a clearly visible location at or
15 near the entrance to the agritourism activity, an agritourism
16 operator shall post and maintain signage that contains the
17 following warning notice:

18 "NOTICE

19 You are assuming the risk of participating in this agritourism
20 activity. Inherent risks associated with agritourism
21 activities include, among others, risks of injury inherent to
22 land, trees, plants, insects, equipment, weather, and animals,

1 as well as the potential that if you act in a negligent manner,
2 injury to yourself or others may occur. Under State law, the
3 agritourism operator is not liable for the injury or death of a
4 participant in an agritourism activity resulting from the
5 inherent risks of agritourism activities."

6 Section 99. Effective date. This Act takes effect July 1,
7 2021.