

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1142

Page 1, line 2, after "to" insert "registered"

Page 1, line 2, after "agritourism" insert "activity"

Page 1, line 8, after "Agritourism" insert "activity"

Page 1, line 8, after "any" insert "rural"

Page 1, line 8, remove "customarily carried out on a working or historical"

Page 1, line 9, replace "farm, ranch, forestry operation, or winery, if" with ", including farming and ranching activities, or any historic, cultural, or natural attraction, that is viewed or enjoyed by"

Page 1, line 9, remove "are invited"

Page 1, line 10, replace "to view or allowed to participate, with or without fees or charges, in the activities" with an underscored comma

Page 1, line 11, after "purposes" insert ", regardless of whether the member of the general public pays to participate in the rural activity or to view or enjoy the attraction; provided, however, that agritourism does not include any rural activity in which an individual is paid to participate"

Page 1, line 13, replace the first underscored comma with "or"

Page 1, line 13, remove ", or hazard"

Page 1, line 13, replace "a normal and customary" with "an integral"

Page 1, line 13, remove "an"

Page 1, line 14, remove "operation"

Page 1, line 17, after "of" insert "land,"

Page 1, line 17, after "vegetation" insert ", and water"

Page 1, line 19, after "equipment" insert "ordinarily used in farming or ranching"

Page 1, line 20, replace "Any act of negligence on the part" with "The potential"

Page 1, line 20, after "participant" insert "to act in a negligent manner"

Page 1, line 21, after "in" insert "an"

Page 1, line 22, after "agritourism" insert "activity"

Page 1, line 23, remove "is invited to view or allowed"

Page 1, line 24, replace "to participate in agritourism, with or without fees or charges" with "engages in a registered agritourism activity"

Page 1, after line 24, insert:

4. "Registered agritourism activity" means an agritourism activity that is registered with the agriculture commissioner.
5. "Registered agritourism location" means a legally described parcel of real property that is registered with the agriculture commissioner and on which a registered agritourism activity occurs.
6. "Registered agritourism operator" means a person that is registered with the agriculture commissioner and that is engaged in the provision of a registered agritourism activity.

Registration - Requirements.

1. A person may become a registered agritourism operator by registering with the agriculture commissioner.
2. The registration must include a description of the agritourism activity that the person provides or intends to provide and a legal description of the real property on which the agritourism activity occurs or will occur.
3. The agriculture commissioner may not impose any fees or other charges to register agritourism operators.
4. A registration under this section is effective for five years.

Registered agritourism operators - Maintenance of list.

The agriculture commissioner shall:

1. Maintain a list of all registered agritourism operators;
2. Maintain a legal description of all real property on which registered agritourism activity occurs or will occur; and
3. Maintain a list of all registered agritourism activities.

Liability of registered agritourism operator.

This chapter does not prevent or limit the liability of a registered agritourism operator if the operator:

1. Injures a participant willfully or through conduct that amounts to gross negligence; or
2. a. Has actual knowledge of or should have known of:
 - (1) A dangerous condition on the registered agritourism location, including in a facility on the location;
 - (2) A dangerous condition with respect to equipment used in the registered agritourism activity; or
 - (3) The dangerous propensity of a particular animal used in the registered agritourism activity; and

- b. Does not exercise ordinary care to remedy the danger or to warn a participant of the danger; and
- c. The danger causes injury to the participant or contributes to the injury of the participant."

Page 2, remove lines 1 through 18

Renumber accordingly