

Senate Committee On Judiciary

Fiscal: Has minimal fiscal impact

Revenue: No Revenue Impact

Action Date: 04/21/15

Action: Do Pass With Amendments. (Printed A-Eng.)

Meeting Dates: 04/20, 04/21

Vote:

Yeas: 5 - Burdick, Gelsner, Kruse, Prozanski, Thatcher

Prepared By: Laura Handzel, Administrator

WHAT THE MEASURE DOES:

Provides that agri-tourism provider is not liable for injury to or death of participant arising out of inherent risks of agri-tourism if agri-tourism provider posts certain notices. Provides exceptions. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Agri-tourism generally
- Rural communities
- Economic impact of agri-tourism
- Insurance coverage
- Farm populations in Oregon
- Inherent risks on farms
- Virginia statute as model
- Oregon Trial Lawyers Association opposition to bill as introduced
- Exceptions to limited liability
- Importance of right to jury trial
- Work group
- Proposed -2 amendments

EFFECT OF COMMITTEE AMENDMENT:

Broadens agri-tourism liability to include negligence. Provides additional clarity to defined terms.

BACKGROUND:

The State of Oregon has a vibrant and growing agri-tourism industry, which includes vineyards, pumpkin patches, corn mazes, and a broad range of other activities. Oregon does not currently have a statute limiting the liability of agri-tourism operations. Such agri-tourism laws exist in over twenty other states.

Senate Bill 341-A provides that an agri-tourism provider is not liable for injury to or death of a participant arising out of the inherent risks of agri-tourism if the agri-tourism provider posts certain notices and has not acted negligently. The bill defines relevant terms and includes the exact warning language that must be posted.