



Facts about the 2014 Wisconsin Agricultural Tourism Liability Law (Wisconsin Act 269)

In April 2014, the State of Wisconsin enacted legislation that limits the liability of agricultural tourism providers.

WHO DOES THIS ACT AFFECT?

<p>An agricultural tourism provider is anyone who provides educational or recreational activities that take place on a:</p> <ul style="list-style-type: none"> • Farm, ranch, grove • Or anywhere agricultural, horticultural, or silvicultural (tree) crops are grown or farm animals or fish are raised 	<p>AND</p>	<p>Allows visitors to:</p> <ul style="list-style-type: none"> • Tour, explore, observe, learn about, participate in or • Be entertained by an aspect of agricultural production, harvesting, or husbandry
---	-------------------	---

Furthermore, a “farm” is defined as any piece of land used for an agricultural purpose, which includes gardens and county fairs.

The legislation protects agricultural tourism providers in two ways:

1. **Agricultural Tourism Activities are Recreational Activities** – If a provider’s yearly gross income from agricultural tourism activities is less than \$2,000, the provider is protected under the existing Wisconsin recreational immunity law. In this case, the agricultural tourism signage is not needed. However, if a provider’s yearly gross income from agricultural tourism activities is \$2,000 or more, the provider is not protected under the existing Wisconsin recreational immunity law. In this case, the provider can be protected under the new agricultural tourism immunity law if the provider maintains compliance with the law. The new legislation states that payments for products or goods offered for sale on the property do not count toward the \$2,000 limit.
2. **Agricultural Tourism Providers are Exempt from Liability for Death or Injury** – Participating in agricultural tourism activities comes with “inherent risk” as a result of land conditions, the unpredictable behavior of animals, and the ordinary dangers of structures or equipment. An agricultural tourism provider is protected from liability if **both of the following apply**:
 - The participant is injured or killed as a result of a risk inherent in an agricultural tourism activity.
 - The agricultural tourism provider posts and maintains, in a clearly visible location at each entrance to the property where the agricultural tourism activity takes place or at the location of each agricultural tourism activity, **a sign that contains the following text in black letters that are at least 1 inch high and on a white background**:

POSTED SIGNS MUST INCLUDE THE FOLLOWING TEXT:

“NOTICE: A person who observes or participates in an agricultural tourism activity on this property assumes the risks inherent in the agricultural tourism activity. Risks inherent in the agricultural tourism activity may include conditions on the land, the unpredictable behavior of farm animals, the ordinary dangers associated with equipment used in farming operations, and the potential that a participant in the agricultural tourism activity may act in a negligent way that may contribute to injury or death. The agricultural tourism provider is not liable for the injury or death of a person involved in an agricultural tourism activity resulting from those inherent risks.”

Frequently Asked Questions (FAQs)

1) How do I maintain compliance with the law?

Post signs that contain the proper wording and text height at all entrances/exits. Providers must exercise ordinary care to prevent a known danger and discover a danger on their operations.

2) Where can I purchase signs?

Providers can use any vendor/company to print signs. However, if signs are not purchased from the Wisconsin Agricultural Tourism Association (WATA), it is the responsibility of the provider to ensure that signs meet compliance under the law. Signs that are purchased from WATA are guaranteed to be in compliance with the law.

3) How much do signs cost?

The cost will vary depending on which vendor/company is used, sign size, and material used. Reported prices have ranged from \$35-350 per sign.

4) How many signs do I need?

A sign must be posted at each entrance/exit of the site or at each agricultural tourism activity. In most cases, the provider will post signs at each entrance/exit. However, there are some instances where posting at each agricultural tourism activity is easier. For example, if there are more entrances/exits than there are agricultural tourism activities. Additionally, if parking is not available on site or there are agricultural tourism activities happening off site, signs must be posted to cover these off site areas.

5) Where do the signs have to be posted?

Signs must be posted at each entrance/exit of the site or at each agricultural tourism activity.

6) Who can I contact if I have questions about the law?

Questions can be directed to Steve Peterson, Wisconsin Agricultural Tourism Association (WATA) President or Marsha Salzwedel, Agritourism Safety Specialist. Contact information is listed below.

The legislation does not provide “blanket immunity” nor does it replace the need for liability insurance. In addition, agricultural tourism providers must still conduct best practices and provide good faith efforts to ensure the safety of their participants. The legislation does not protect providers if a participant proves by clear and convincing evidence that a provider:

- (1) acted with an intentional or reckless disregard for the safety of others (such as by failing to exercise ordinary care to discover a danger or prevent a known danger) or
- (2) intentionally caused the participant’s injury or death.

This document is for educational purposes only and should not replace legal counsel. Agricultural tourism providers should seek legal counsel and contact their insurance provider with any questions about the applicability of this law.

For more information, visit: <http://docs.legis.wisconsin.gov/2013/related/acts/269>
www.safeagritourism.com
www.luv-r-ag.com

Or contact: Steve Peterson, WATA president, steve@topdogmktg.com
Marsha Salzwedel, Agritourism safety specialist, salzwedel.marsha@mcrf.mfldclin.edu