

APR 9 2003
Agriculture

HOUSE FILE 673
BY FREEMAN

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing for limitations on the liability of guest farms.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF673

1 Section 1. NEW SECTION. 673A.1 DEFINITIONS.

2 1. "Claim" means a claim, counterclaim, cross-claim,
3 complaint, or cause of action recognized by the Iowa rules of
4 civil procedure and brought in court on account of damage to
5 or loss of property or on account of personal injury or death.

6 2. "Commodity" includes but is not limited to livestock,
7 crops, fiber, or food, such as vegetables, nuts, seeds, honey,
8 eggs, or milk existing in an unprocessed state, which is
9 produced for human or livestock consumption.

10 3. "Farm" means land and improvements where commodities
11 are produced.

12 4. "Farm animal" means an animal as defined in section
13 717A.1.

14 5. "Farmer" means a person who holds a legal or equitable
15 interest in a farm, or a family member, employee, agent, or
16 contractor of such person.

17 6. "Guest farm" means a business in which members of the
18 public are invited as paying guests to witness or participate
19 in activities associated with the operation of a farm,
20 including the production of crops and the care and feeding of
21 farm animals.

22 7. "Inherent risk associated with a farming operation"
23 means a condition or activity that is an integral part of
24 farming, including, but not limited to, the following:

25 a. An encounter with a hazardous condition, including by
26 being caught in wells or bodies of water, having contact with
27 fences, inhaling dust or gases, being trapped in structures,
28 being exposed to pesticides as defined in section 206.2, or
29 being hit or caught by grain or forage during movement.

30 b. The operation of machinery or equipment regardless of
31 whether the machinery is self-propelled or stationary,
32 including machinery or equipment used in the production,
33 harvesting, or storage of crops or resulting grain or forage;
34 the care and feeding of farm animals; or the collection or
35 preservation of milk or eggs.

1 c. The use of tools, implements, or tack, including but
2 not limited to prods, hooks, blades, carpentry tools, drills,
3 saws, and welding torches.

4 d. Contact with a farm animal which belongs to a species
5 which may buck, bite, stumble, rear, trample, scratch, peck,
6 fall, kick, claw, or butt.

7 Sec. 2. NEW SECTION. 673A.2 LIABILITY.

8 Except as provided in section 673A.3, a farmer is not
9 liable for the damages, injury, or death suffered by a guest
10 on the property of a guest farm from an inherent risk
11 associated with a farming operation, as provided in this
12 section. In order for a farmer not to be found liable as
13 provided in this section, the farmer and guest farm must be
14 licensed to the extent required by state law, including but
15 not limited to chapter 137C. In addition, all of the
16 following must apply:

17 1. The guest must be notified of the inherent risks
18 associated with farming operations. Notification shall be
19 accomplished as follows:

20 a. A sign must be conspicuously posted and maintained at a
21 location where a guest first enters the property of the guest
22 farm. The sign must be clearly visible to guests. The notice
23 shall appear in black letters a minimum of one inch high and
24 in the following form:

25 **WARNING**

26 UNDER IOWA LAW, YOU ARE ENTERING A GUEST FARM. THIS IS A
27 WORKING FARM. UNDER IOWA LAW A FARMER IS NOT LIABLE FOR
28 DAMAGES SUFFERED BY, AN INJURY TO, OR THE DEATH OF A GUEST
29 RESULTING FROM THE INHERENT RISKS OF A FARMING OPERATION,
30 PURSUANT TO IOWA CODE CHAPTER 673A. YOU ARE ASSUMING THESE
31 INHERENT RISKS BY ENTERING ONTO THIS GUEST FARM.

32 b. The guest must sign a disclaimer document prior to
33 participating in an activity which includes an inherent risk
34 associated with a farming operation. The disclaimer must
35 state the following:

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DISCLAIMER

2 You are a guest of this working farm. A guest farm
3 contains a number of inherent risks associated with farming
4 operations. You may be exposed to conditions and activities,
5 the operation of machinery or equipment, the use of tools, and
6 contact with farm animals that require a level of familiarity
7 or ability that you may not possess. By signing this document
8 you are assuming these risks and are waiving rights to legal
9 action in the event that you suffer economic or physical
10 injury.

11 2. The guest must fail to exercise reasonable care, take
12 adequate precautions, or use adequate control when assuming an
13 inherent risk associated with a farming operation, including
14 by failing to abide by notices or instructions provided by the
15 farmer, or failing to maintain reasonable control or failing
16 to act in a manner consistent with the guest's abilities.

17 Sec. 3. NEW SECTION. 673A.3 LIABILITY -- EXCEPTIONS.

18 Section 673A.2 shall not apply to a farmer to the extent
19 that the claim based on damages, injury, or death is caused by
20 any of the following:

21 1. An act by the farmer which is committed intentionally,
22 recklessly, or while under the influence of alcohol, drugs,
23 narcotics, chemicals, or other type of material which impairs
24 the farmer's judgment.

25 2. A hazardous condition if the farmer knew or reasonably
26 should have known of the condition and did not provide the
27 guest with adequate notice about avoiding the condition or
28 provide the guest with instruction required to minimize its
29 associated risks.

30 3. A structure which is in unsound condition, machinery or
31 equipment which is in a defective or faulty condition, or
32 tools, implements, or tack which is in a defective or faulty
33 condition, and if the farmer knew or reasonably should have
34 known of the condition of the structure, machinery or
35 equipment, or tools, implements, or tack.

1 4. The failure of a farmer to notify a guest of a
2 dangerous latent condition on the property of the guest farm,
3 which was known or should have been known by the farmer. The
4 notice may be made by posting a clearly visible warning sign
5 on the property.

6 5. Any condition or activity occurring in circumstances in
7 which a reasonable person who is alert to inherent risks of
8 farming operations would not expect damages, an injury, or
9 death to result from the condition or activity.

10 6. Contact between a farm animal and a guest which occurs
11 in a place or at a time where contact between the farm animal
12 and a guest is not designated or intended to occur.

13 7. An attack by a farm animal with a known propensity to
14 attack persons, if the farmer invited the guest to be within
15 an area where the farm animal could approach the guest.

16 EXPLANATION

17 This bill limits the liability of persons involved in guest
18 farms. A guest farm is a business in which members of the
19 public are invited as paying guests to witness or participate
20 in activities associated with the operation of a farm,
21 including the production of crops and the care and feeding of
22 farm animals. It provides that a guest is barred from
23 bringing a legal claim based on damages, injury, or death
24 arising from inherent risks associated with a farming
25 operation, including hazardous conditions on farm property,
26 the operation of machinery or equipment, the use of tools,
27 implements, or tack, and contact with farm animals. The guest
28 farm and the farmer must be licensed to the extent required by
29 state law. In addition, the guest must be notified of the
30 inherent risks associated with farming operations or the guest
31 must fail to exercise reasonable care, take adequate
32 precautions, or use adequate control when assuming an inherent
33 risk associated with a farming operation. The notification
34 must be accomplished by posting and maintaining a sign at the
35 location where the guest first enters the property. In

1 addition, if the guest is to participate in a farming activity
2 which includes an inherent risk, the guest must sign a
3 disclaimer statement.

4 There are a number of exceptions to the bar against
5 liability. A farmer is liable for acts committed
6 intentionally, recklessly, or under the influence of alcohol
7 or drugs; for failing to provide special notice of a hazardous
8 condition; for structures which are unsound, machinery or
9 equipment which is defective or faulty, and for tools,
10 implements, or tack which is defective or faulty; for failing
11 to notify a guest of a dangerous latent condition; for a
12 condition or activity which surprises a guest who is alert to
13 risks associated with farming operations; contact between a
14 farm animal and a guest which occurs in an inappropriate place
15 or at an impropriate time; and an attack by a farm animal with
16 a known propensity to attack persons.

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