

673A.7 Limitation on liability — exceptions.

The limitation on liability provided in [section 673A.4](#) and the affirmative defense authorized under [section 673A.5](#) do not apply to the extent that all of the following conditions are met:

1. An injury, loss, or death suffered by an agricultural tourist was caused by the act or omission of an agricultural tourism farmer, an agricultural tourism professional, or a person engaged in farming on the agricultural tourism farm.

2. The act or omission described in [subsection 1](#) was any of the following:

a. Illegal.

b. Intentional.

c. The result of willful misconduct, gross negligence or incompetence amounting to such lack of care as to amount to wanton neglect for the safety of another, or recklessness.

d. Due to intoxication by alcohol, a drug, or a combination of such substances.

e. The result of a failure to notify an agricultural tourist of a dangerous latent condition on the farm, including a building or other structure, or equipment or machinery regardless of whether it was operational, if the dangerous latent condition was known or should have been known by the agricultural tourism farmer or agricultural tourism professional.

f. A condition or event existing at the agricultural tourism farm that was not reasonably foreseeable by a person generally familiar with farming, even though such condition or farming activity would have been foreseeable at another type of agricultural tourism farm.

[2021 Acts, ch 104, §9](#)