

10070

I N A S S E M B L Y

May 10, 2016

Introduced by M. of A. WOERNER -- read once and referred to the Committee on Judiciary

AN ACT to amend the general obligations law, in relation to the inherent risks of operating agricultural tourism areas and participating in activities in agricultural tourism areas

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The general obligations law is amended by adding a new
2 article 18-B to read as follows:

3 ARTICLE 18-B

4 SAFETY IN AGRICULTURAL TOURISM

5 SECTION 18-301. SHORT TITLE.

6 18-302. DEFINITIONS.

7 18-303. DUTIES OF OPERATORS AND VISITORS OF AGRICULTURAL TOURISM
8 AREAS.

9 S 18-301. SHORT TITLE. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS
10 THE "SAFETY IN AGRICULTURAL TOURISM ACT".

11 S 18-302. DEFINITIONS. FOR PURPOSES OF THIS ARTICLE, "AGRICULTURAL
12 TOURISM" MEANS ACTIVITIES, INCLUDING THE PRODUCTION OF MAPLE SAP AND
13 PURE MAPLE PRODUCTS MADE THEREFROM, FARM AND WINERY TOURS, EQUINE THERA-
14 PY, U-PICK CHRISTMAS TREES, HIKING, HUNTING AND OTHER FORMS OF OUTDOOR
15 RECREATION OFFERED TO FARM VISITORS, CONDUCTED BY A FARMER ON-FARM FOR
16 THE ENJOYMENT AND/OR EDUCATION OF THE PUBLIC, WHICH PRIMARILY PROMOTE
17 THE SALE, MARKETING, PRODUCTION, HARVESTING OR USE OF THE PRODUCTS OF
18 THE FARM AND ENHANCE THE PUBLIC'S UNDERSTANDING AND AWARENESS OF FARMING
19 AND FARM LIFE.

20 S 18-303. DUTIES OF OPERATORS AND VISITORS OF AGRICULTURAL TOURISM
21 AREAS. 1. OPERATORS OF AGRICULTURAL TOURISM AREAS SHALL HAVE THE FOLLOW-
22 ING ADDITIONAL DUTIES:

23 A. TO POST AND MAINTAIN WAY FINDING SIGNAGE TO DELINEATE THE PATHS,
24 AREAS AND BUILDINGS THAT ARE OPEN TO THE PUBLIC;

25 B. TO ADEQUATELY TRAIN EMPLOYEES WHO ARE ACTIVELY INVOLVED IN AGRICUL-
26 TURAL TOURISM ACTIVITIES;

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD15305-02-6

1 C. TO POST AT EVERY POINT OF SALE OR DISTRIBUTION OF TICKETS, WHETHER
2 ON OR OFF THE PREMISES OF THE AGRICULTURAL TOURISM AREA, A CONSPICUOUS
3 "WARNING TO VISITORS" RELATIVE TO THE INHERENT RISKS OF PARTICIPATING IN
4 ACTIVITIES ON WORKING FARMS AND TO IMPRINT UPON ALL TICKETS SOLD OR
5 DISTRIBUTED, SUCH TEXT AND GRAPHICS AS THE COMMISSIONER OF AGRICULTURE
6 AND MARKETS SHALL SPECIFY, WHICH SHALL CONSPICUOUSLY DIRECT THE ATTEN-
7 TION OF ALL VISITORS TO THE REQUIRED "WARNING TO VISITORS";

8 D. TO POST AT EVERY POINT OF SALE OR DISTRIBUTION OF TICKETS AT AN
9 AGRICULTURAL TOURISM AREA NOTICE TO VISITORS THAT THIS ARTICLE
10 PRESCRIBES CERTAIN DUTIES FOR VISITORS, AND TO MAKE COPIES OF THIS ARTI-
11 CLE IN ITS ENTIRETY AVAILABLE WITHOUT CHARGE UPON REQUEST TO VISITORS IN
12 A CENTRAL LOCATION AT THE AGRICULTURAL TOURISM AREA;

13 E. TO MAKE AVAILABLE WRITTEN INSTRUCTION OR TO PROVIDE EDUCATION FOR
14 VISITORS RELATIVE TO THE RISKS INHERENT IN THE ACTIVITIES ON WORKING
15 FARMS AND THE DUTIES PRESCRIBED FOR VISITORS BY THIS SECTION, AND TO
16 CONSPICUOUSLY POST NOTICE OF THE TIME AND PLACES OF AVAILABILITY OF SUCH
17 INSTRUCTION AND EDUCATION IN LOCATIONS WHERE IT IS LIKELY TO BE SEEN BY
18 VISITORS; AND

19 F. TO POST NOTICE TO VISITORS OF THE RIGHT TO A REFUND TO THE PURCHAS-
20 ER IN THE AMOUNT PAID IN THE INITIAL SALE OF ANY TICKETS RETURNED TO THE
21 OPERATOR OF THE AGRICULTURAL TOURISM AREA, INTACT AND UNUSED, UPON
22 DECLARATION BY SUCH PURCHASER THAT HE OR SHE IS UNPREPARED OR UNWILLING
23 TO PARTICIPATE IN THE AGRICULTURAL TOURISM ACTIVITY DUE TO THE RISKS
24 INHERENT IN THE ACTIVITIES OR THE DUTIES IMPOSED UPON HIM OR HER BY THIS
25 SECTION.

26 2. VISITORS TO AGRICULTURAL TOURISM AREAS HAVE THE FOLLOWING ADDI-
27 TIONAL DUTIES TO ENABLE THEM TO MAKE INFORMED DECISIONS AS TO THE ADVIS-
28 ABILITY OF THEIR PARTICIPATION IN AGRICULTURAL TOURISM ACTIVITIES:

29 A. TO COMPLY WITH POSTED WAY FINDING SIGNS AND REMAIN IN AREAS DESIG-
30 NATED FOR THE AGRICULTURAL TOURISM ACTIVITY;

31 B. TO SEEK OUT, READ, REVIEW AND UNDERSTAND, IN ADVANCE OF PARTICIPAT-
32 ING IN AGRICULTURAL TOURISM ACTIVITIES, A "WARNING TO VISITORS" WHICH
33 SHALL BE DISPLAYED AND PROVIDED PURSUANT TO PARAGRAPH C OF SUBDIVISION
34 ONE OF THIS SECTION;

35 C. TO FOLLOW ANY AND ALL RULES OF CONDUCT AS ARE PRESCRIBED PURSUANT
36 TO SUCH "WARNING TO VISITORS";

37 D. NOT TO WILLFULLY REMOVE, DEFACE, ALTER OR OTHERWISE DAMAGE SIGNAGE,
38 WARNING DEVICES OR IMPLEMENTS OR OTHER SAFETY DEVICES; AND

39 E. TO OBTAIN SUCH EDUCATION IN AGRICULTURAL TOURISM ACTIVITIES,
40 INCLUDING THE FAMILIARIZATION WITH THE SKILLS AND DUTIES NECESSARY TO
41 REDUCE THE RISK OF INJURY IN PARTICIPATING IN SUCH ACTIVITIES AND RECOG-
42 NITION THAT AGRICULTURAL TOURISM ACTIVITIES ARE VOLUNTARY ACTIVITIES
43 THAT MAY BE HAZARDOUS OR TAKE PLACE IN POTENTIALLY HAZARDOUS FARM
44 SETTINGS.

45 S 2. This act shall take effect immediately.