

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SUBSTITUTE SENATE BILL 5808**

Chapter 227, Laws of 2017

65th Legislature  
2017 Regular Session

AGRITOURISM--CIVIL IMMUNITY

EFFECTIVE DATE: 7/23/2017

Passed by the Senate April 17, 2017  
Yeas 45 Nays 3

CYRUS HABIB

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**President of the Senate**

Passed by the House April 7, 2017  
Yeas 96 Nays 0

FRANK CHOPP

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**Speaker of the House of Representatives**

Approved May 5, 2017 11:02 AM

JAY INSLEE

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**Governor of the State of Washington**

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5808** as passed by Senate and the House of Representatives on the dates hereon set forth.

HUNTER G. GOODMAN

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**Secretary**

FILED

May 5, 2017

**Secretary of State  
State of Washington**

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ENGROSSED SUBSTITUTE SENATE BILL 5808

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AS AMENDED BY THE HOUSE

Passed Legislature - 2017 Regular Session

**State of Washington**                      **65th Legislature**                      **2017 Regular Session**

**By** Senate Agriculture, Water, Trade & Economic Development  
(originally sponsored by Senators Warnick, Chase, Walsh, Brown,  
Becker, Short, and Bailey)

READ FIRST TIME 02/17/17.

1            AN ACT Relating to agritourism; and adding new sections to  
2 chapter 4.24 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            NEW SECTION.    **Sec. 1.**    The legislature finds that agriculture  
5 plays a substantial role in the economy, culture, and history of  
6 Washington state. As an increasing number of Washington's citizens  
7 are removed from day-to-day agricultural experiences, agritourism  
8 provides a valuable opportunity for the public to interact with,  
9 experience, and understand agriculture. In addition, agritourism  
10 opportunities provide valuable options for farmers and ranchers and  
11 rural residents to maintain their operations and continue a  
12 traditional economic development opportunity in rural areas. Inherent  
13 risks exist on farms and ranches, some of which cannot be reasonably  
14 eliminated. Uncertainty of potential liability associated with  
15 inherent risks has a negative impact on the establishment and success  
16 of agritourism operations.

17            NEW SECTION.    **Sec. 2.**    The definitions in this section apply  
18 throughout this chapter unless the context clearly requires  
19 otherwise.

1 (1) "Agritourism activity" means any activity carried out on a  
2 farm or ranch whose primary business activity is agriculture or  
3 ranching and that allows members of the general public, for  
4 recreational, entertainment, or educational purposes, to view or  
5 enjoy rural activities including, but not limited to: Farming;  
6 ranching; historic, cultural, and on-site educational programs;  
7 recreational farming programs that may include on-site hospitality  
8 services; guided and self-guided tours; petting zoos; farm festivals;  
9 corn mazes; harvest-your-own operations; hayrides; barn parties;  
10 horseback riding; fishing; and camping.

11 (2) "Agritourism professional" means any person in the business  
12 of providing one or more agritourism activities, whether or not for  
13 compensation.

14 (3) "Inherent risks of agritourism activity" means those dangers  
15 or conditions that are an integral part of an agritourism activity  
16 including certain hazards, such as surface and subsurface conditions,  
17 natural conditions of land, vegetation, waters, the behavior of wild  
18 or domestic animals, and ordinary dangers of structures or equipment  
19 ordinarily used in farming and ranching operations. Inherent risks of  
20 agritourism activity also include the potential of a participant to  
21 act in a negligent manner that may contribute to injury to the  
22 participant or others, including failing to follow instructions given  
23 by the agritourism professional or failing to exercise reasonable  
24 caution while engaging in the agritourism activity, unless the  
25 participant acting in a negligent manner is a minor or is under the  
26 influence of alcohol or drugs.

27 (4) "Participant" means any person, other than the agritourism  
28 professional, who engages in an agritourism activity.

29 (5) "Person" means an individual, fiduciary, firm, association,  
30 partnership, limited liability company, corporation, unit of  
31 government, or any other group acting as a unit.

32 NEW SECTION. **Sec. 3.** (1)(a) Except as provided in subsection  
33 (2) of this section, an agritourism professional is not liable for  
34 injury, loss, damage, or death of a participant resulting exclusively  
35 from any of the inherent risks of agritourism activities.

36 (b) Except as provided in subsection (2) of this section, no  
37 participant or participant's representative may pursue an action or  
38 recover from an agritourism professional for injury, loss, damage, or

1 death of the participant resulting exclusively from any of the  
2 inherent risks of agritourism activities.

3 (c) In any action for damages against an agritourism professional  
4 for agritourism activity, the agritourism professional must plead the  
5 affirmative defense of assumption of the risk of agritourism activity  
6 by the participant.

7 (2) Nothing in subsection (1) of this section prevents or limits  
8 the liability of an agritourism professional if the agritourism  
9 professional does any one or more of the following:

10 (a) Commits an act or omission that is grossly negligent or  
11 constitutes willful or wanton disregard for the safety of the  
12 participant and that act or omission proximately causes injury,  
13 damage, or death to the participant.

14 (b) Has actual knowledge or reasonably should have known of an  
15 existing dangerous condition on the land, facilities, or equipment  
16 used in the activity or the dangerous propensity of a particular  
17 animal used in such an activity and does not make the danger known to  
18 the participant and the danger proximately causes injury, damage, or  
19 death to the participant.

20 (c) Permits minor participants to use facilities or engage in  
21 agritourism activities that are not reasonably appropriate for their  
22 age. This provision shall not be interpreted to relieve a parent or  
23 guardian of a minor participant of the duty to reasonably supervise  
24 the minor's participation in agritourism activities, including  
25 assessing whether the minor's participation in an agritourism  
26 activity is reasonably appropriate for his or her age.

27 (d) Knowingly permits participants to use facilities or engage in  
28 agritourism activities while under the influence of alcohol or drugs.

29 (e) Fails to warn participants as required by section 4 of this  
30 act.

31 (3) Any limitation on legal liability afforded by this section to  
32 an agritourism professional is in addition to any other limitations  
33 of legal liability otherwise provided by law.

34 NEW SECTION. **Sec. 4.** (1) Every agritourism professional must  
35 post and maintain signs that contain the warning notice specified in  
36 subsection (2) of this section. The sign must be placed in a clearly  
37 visible location at the entrance to the agritourism location and at  
38 the site of the agritourism activity. The warning notice must consist  
39 of a sign in black letters, with each letter to be a minimum of one

1 inch in height. Every written contract entered into by an agritourism  
2 professional for the providing of professional services, instruction,  
3 or the rental of equipment to a participant, whether or not the  
4 contract involves agritourism activities on or off the location or at  
5 the site of the agritourism activity, must contain in clearly  
6 readable print the warning notice specified in subsection (2) of this  
7 section.

8 (2) The sign and contracts described in subsection (1) of this  
9 section must contain the following notice of warning:

10 "WARNING

11 Under Washington state law, there is limited liability for an  
12 injury to or death of a participant in an agritourism  
13 activity conducted at this agritourism location if such an  
14 injury or death results exclusively from the inherent risks  
15 of the agritourism activity. Inherent risks of agritourism  
16 activities include, among others, risks of injury inherent to  
17 land, equipment, and animals, as well as the potential for  
18 you to act in a negligent manner that may contribute to your  
19 injury or death. We are required to ensure that in any  
20 activity involving minor children, only age-appropriate  
21 access to activities, equipment, and animals is permitted.  
22 You are assuming the risk of participating in this  
23 agritourism activity."

24 (3) Failure to comply with the requirements concerning warning  
25 signs and notices provided in this section prohibits an agritourism  
26 professional from invoking the privilege of immunity provided by this  
27 section and sections 1 through 3 of this act and may be introduced as  
28 evidence in any claim for damages.

29 NEW SECTION. **Sec. 5.** Sections 1 through 4 of this act are each  
30 added to chapter 4.24 RCW.

Passed by the Senate April 17, 2017.  
Passed by the House April 7, 2017.  
Approved by the Governor May 5, 2017.  
Filed in Office of Secretary of State May 5, 2017.

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