



NYS Passes Limited Liability Protection for Farms

The NYS Horse Council is pleased to announce that the NYS Legislature passed and sent to the Governor a bill that extends limited liability protection to NYS farms which invite clients and visitors on their farms, including equine farms and equine therapeutic businesses. Earlier this week both houses acted with overwhelming support receiving only 4 negative votes in the Assembly and complete support of the Senate. The bill now goes to the Governor for signing.

This legislation amends general obligations law relative to the inherent risks of operating agricultural tourism activities. This bill does not remove the responsibility of the farm owner from making every effort possible to keep clients and visitors safe. It simply adds a degree of responsibility upon that client or visitor to understand there is potential danger when anyone steps on a farm or visits a stable and pets an animal or is simply near one.

Following are some of the Operators responsibilities (please read the complete bill for a full list):

- To post and maintain signage to delineate paths, areas and buildings open to the public;
- To train employees actively involved in agricultural tourism activities;
- To post at every point of sale or distribution of tickets, whether on or off premises, a conspicuous "Warning to Visitors" relative to the inherent risks of participating in activities on working farms and to provide written information meeting the specifications determined by the Commissioner of Agriculture and Markets;
- To post at point of sale or distribution of tickets a conspicuous notice to visitors that they have a responsibility to exercise reasonable care regarding the risks of the agricultural activity, and comply with posted signs, remain in areas designated for the activity, follow any and all written and posted rules of conduct provided by the operator or verbal or other communication for persons with disabilities, and not to willfully remove, deface, alter or otherwise damage signage, warning devices or implements, or other safety devices;
- To take reasonable care to prevent foreseeable risks to visitors, to keep his or her premises safe for intended uses and users and to post conspicuous notice to visitors of the right to a refund to the purchaser in the amount paid in the initial sale of any tickets returned to the operator of the agricultural tourism area, intact and unused, upon declaration by such purchaser that he or she believes that he or she is unprepared or that he or she is unwilling to participate in the agricultural tourism activity due to the risks inherent in the activities or the duties imposed upon him or her;
- Owners and operators of agricultural tourism areas shall not be liable for an injury to or death of a visitor if the provisions of this subdivision are complied with.

I personally want to thank NYSHC members past and present who helped accomplish this task by writing, calling or visiting legislators and keeping them aware of the need for this protection. Without your unchecked support, we could not have gotten it done. A very special "Thank You" is extended to NY Farm Bureau who championed this legislation for many years and helped craft language that would finally satisfy everyone. Please support your local County Farm Bureau and tell them thank you.

Stephen Ropel, President
Stephen.ropel@nyshc.org