

AGRITOURISM LIABILITY SIGNAGE

Indiana State Department of Agriculture



To promote agritourism enterprises in Indiana, the General Assembly enacted a limitation of liability for agritourism providers who provide a statutory warning to participants and meet other specific requirements. Essentially, the law limits liability that may arise from the “inherent risks of agritourism activities.” Inherent risks are defined as “those conditions, dangers or hazards that are an integral part of an agritourism activity” (Ind. Code Section 34-31-9-4).

If all of the statutory requirements are met, then a participant or his/her representative cannot make a claim for injury, loss, damage or death caused by the inherent risks of an agritourism activity.

To gain this limited liability, Indiana Agritourism locations may (but are not required) to post liability signage on the property of their agritourism destination. If the agritourism destination posts signage, it **must** follow the below guidelines.

Signage Specifications:

The warning notice that must be printed on a sign and included in a written contract as follows:

WARNING

Under Indiana law, an agritourism provider is not liable for an injury to, or the death of, a participant in agritourism activities at this location if the death or injury results from the inherent risks of agritourism activity. Inherent risks of agritourism activities include risks of injury inherent to land, equipment, and animals as well as the potential for you to act in a negligent manner that may contribute to your injury or death, or for other participants to act in a manner that may cause you injury or cause your death. You are assuming the risk of participating in this agritourism activity.

The sign must be placed in a clearly visible location at the main point of entrance to the agritourism activity. The warning notice on a sign referred to in subsection (a) must be printed in black letters, and each letter must be at least one (1) inch in height.

Liability is not prevented or limited of an agritourism provider if:

1. They have actual knowledge or reasonably should have known of:
 - A. dangerous condition on the land, facilities, or equipment used in the agritourism activity; or
 - B. dangerous propensity of a particular animal used in the agritourism activity;
 - C. and does not make the danger known to the participant and the danger proximately causes injury, damage, or death to the participant;
2. They fail to properly train, or improperly or inadequately train, employees who are actively involved in agritourism activities and an act or omission of the employee proximately causes injury, damage, or death to the participant;
3. They commit an act or omission that:
 - A. constitutes willful or wanton disregard for the safety of the participant; and
 - B. caused the injury or death of the participant; or
4. They intentionally injure the participant.

Securing Signage:

Indiana Farm Bureau members may contact their regional manager to obtain a sign for free. Non-Indiana Farm Bureau members can purchase signs online, or create their own as long as they follow the outlined specifications.

<https://iga.in.gov/laws/2023/ic/titles/34#34-31-9-12>

