

HOUSE BILL NO. 342

INTRODUCED BY R. FITZGERALD

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

A BILL FOR AN ACT ENTITLED: "AN ACT ADDING AGRITOURISM TO THE LIST OF MONTANA RECREATIONAL ACTIVITIES IN WHICH PARTICIPANTS ASSUME THE LIABILITY FOR THE INHERENT RISKS OF THOSE ACTIVITIES; AMENDING SECTION 27-1-752, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 27-1-752, MCA, is amended to read:

**"27-1-752. Definitions.** As used in 27-1-751 through 27-1-754, the following definitions apply:

(1) "Agritourism" means a form of commercial enterprise that links agricultural production or agricultural processing with tourism in order to attract visitors to a farm, ranch, or other agricultural business for purposes of entertaining or educating the visitors.

~~(1)~~(2) "Inherent risks" means those dangers or conditions that are characteristic of, intrinsic to, or an integral part of any sport or recreational activity and that cannot be prevented by the use of reasonable care.

~~(2)~~(3) "Provider" means a person, corporation, partnership, or other business entity, including a governmental entity as defined in 2-9-111, that promotes, offers, or conducts a sport or recreational opportunity for profit or otherwise.

~~(3)~~(4) "Sport or recreational opportunity" means any sporting activity, whether undertaken with or without permission, including but not limited to baseball, softball, football, soccer, basketball, bicycling, hiking, swimming, boating, hockey, dude ranching, nordic or alpine skiing, snow boarding, snow sliding, mountain climbing, river floating, whitewater rafting, canoeing, kayaking, target shooting, hunting, fishing, backcountry trips, horseback riding and other equine activity, snowmobiling, off-highway vehicle use, agritourism, an on-farm educational opportunity, and any similar recreational activity."

NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

- END -