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States' Agritourism Statutes:

*Oklahoma*



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# A National Agricultural Law Center Research Publication

## States' Agritourism Statutes: Oklahoma

**Okla. Stat. Ann. tit. 2, § 5-14 through 5-17a.**

*Current through Chapter 410 of the Second Regular Session of the 58th Legislature (2022).*

### **§ 5-14. Short Title – Oklahoma Agritourism Activities Liability Limitations Act**

This act shall be known and may be cited as the “Oklahoma Agritourism Activities Liability Limitations Act”.

### **§ 5-15. Definitions**

As used in the Oklahoma Agritourism Activities Liability Limitations Act:

1. “Agritourism activity” means any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, ranching, historic, cultural, harvest-your-own activities, or natural activities and attractions. An activity is an agritourism activity whether or not the participant paid to participate in the activity;
2. “Agritourism professional” means any person who is engaged in the business of providing one or more agritourism activities, whether or not for compensation and whose agritourism activity is registered with the Oklahoma Department of Agriculture, Food, and Forestry;
3. “Inherent risks of agritourism activity” means those dangers or conditions that are an integral part of an agritourism activity including certain hazards, surface and subsurface conditions, natural conditions of land, vegetation, and waters, the behavior of wild or domestic animals, and ordinary dangers of structures or equipment ordinarily used in farming and ranching operations. Inherent risks of agritourism activity also include the potential of a participant to act in a negligent manner that may contribute to injury to the participant or others, including failing to follow instructions given by the agritourism professional or failing to exercise reasonable caution while engaging in the agritourism activity; and
4. “Participant” means any person, other than the agritourism professional, who engages in an agritourism activity.



## § 5-16. Liability of Agritourism Professionals and Exceptions

A. Except as provided in subsection B of this section, an agritourism professional is not liable for injury to or death of a participant resulting from the inherent risks of agritourism activities, so long as the warning contained in Section 4 of this act is posted as required and, except as provided in subsection B of this section, no participant or participant's representative can maintain an action against or recover from an agritourism professional for injury, loss, damage, or death of the participant resulting exclusively from any of the inherent risks of agritourism activities. In any action for damages against an agritourism professional for agritourism activity, the agritourism professional must plead the affirmative defense of assumption of the risk of agritourism activity by the participant.

B. Nothing in subsection A of this section prevents or limits the liability of an agritourism professional if the agritourism professional does any one or more of the following:

1. Commits an act or omission that constitutes negligence or willful or wanton disregard for the safety of the participant, and that act or omission proximately causes injury, damage, or death to the participant;
2. Has actual knowledge or reasonably should have known of a dangerous condition on the land, facilities, or equipment used in the activity or the dangerous propensity of a particular animal used in such activity and does not make the danger known to the participant, and the danger proximately causes injury, damage, or death to the participant.

C. Any limitation on legal liability afforded by this section to an agritourism professional is in addition to any other limitations of legal liability otherwise provided by law.

## § 5-17. Notice of Warning

A. Every agritourism professional shall post and maintain signs that contain the warning notice specified in subsection B of this section. The sign shall be placed in a clearly visible location at the entrance to the agritourism



location and at the site of the agritourism activity. The warning notice shall consist 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 professional for the providing of professional services, instruction, or the rental of equipment to a participant, whether or not the contract involves agritourism activities on or off the location or at the site of the agritourism activity, shall contain in clearly readable print the warning notice specified in subsection B of this section.

B. The signs and contracts described in subsection A of this section must contain the following notice of warning:

**WARNING**

Under Oklahoma law, there is no liability for an injury to or death of a participant in an agritourism activity conducted at this agritourism location if such injury or death results from the inherent risks of the agritourism activity. Inherent risks of agritourism activities include, among others, 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. You are assuming the risk of participating in this agritourism activity.”

C. Failure to comply with the requirements concerning warning signs and notices provided in this section shall prevent an agritourism professional from invoking the privileges of immunity provided by the Oklahoma Agritourism Activities Liability Limitations Act.

### **§ 5-17a. Rights to engage in agritourism activities-- Requirements and regulations**

A. Except as otherwise provided in this subsection, the rights of Oklahomans to engage in agritourism activities shall not be banned by any county, municipality, state agency or political subdivision. Agritourism activities shall only be engaged in a lawful manner pursuant to the Oklahoma Horse Racing Act and in compliance with health and safety zoning requirements, as well as health and safety regulations, by the state and local governments.

B. “Agritourism activities” as used in this section means utilizing livestock or poultry for entertainment or educational purposes. This



shall include horseback riding, horse-drawn carriage rides, livestock and poultry shows, petting farms, rodeos, activities that historically involved the utilization of working animals and other substantially similar activities.

C. “Agritourism activities” as used in this section shall not include cockfighting, as defined in Section 1692.1 of Title 21 of the Oklahoma Statutes or fighting dogs, as defined in Section 1693 of Title 21 of the Oklahoma Statutes.

