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States' Agritourism Statutes: *South Carolina*



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[S.C. Code Ann. § 46-53-10 to 46-53-50](#)

Current through 2022 Act No. 222

§ 46-53-10. Definitions.

As used in this chapter:

(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 participate in rural activities.

(2) “Agritourism professional” means any person who is engaged in the business of providing one or more agritourism activities, whether or not for compensation.

(3) “Inherent risks of an agritourism activity” means those dangers or conditions that are inherent to an agritourism activity, including hazards related to surface and subsurface conditions, natural conditions of land, vegetation, and water at the agritourism location, the behavior of wild or domestic animals, except dogs, and ordinary dangers associated with structures or equipment commonly used in farming and ranching operations. Inherent risks of an agritourism activity also includes a participant that acts in a negligent manner that causes or contributes to an injury to or the death of the participant or others, including failing to follow instructions given by the agritourism professional or failing to exercise reasonable caution while engaging in an agritourism activity. Inherent risk does not include any wilful, wanton, or reckless act or omission by the agritourism professional or any defect to land, structures, or equipment commonly used in farming and ranching operations that the agritourism professional knew or should have known existed.

(4) “Participant” means any person, other than the agritourism professional, who engages in an agritourism activity.

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

(6) “Rural activity” means wildlife management, farming and ranching, and associated historic, scientific research, cultural, harvest-your-own, and natural activities and attractions.



§ 46-53-20. Limitations on liability of agritourism professional for injury or death resulting from inherent risk of agritourism activity.

An agritourism professional is not liable for an injury to or the death of a participant resulting from an inherent risk of an agritourism activity, and no participant or participant's representative may make a claim against, maintain an action against, or recover from an agritourism professional for injury, loss, damage, or death of the participant resulting from an inherent risk of an agritourism activity unless the agritourism professional:

- (1) intentionally injured or caused the death of the participant or committed an act or omission that constitutes wilful, wanton, or reckless disregard for the safety of the participant and that act or omission caused the injury or death; or
- (2) owns, leases, rents, or otherwise is in lawful possession and control of the land or facilities upon which the participant sustained injuries or death because of a dangerous latent condition which was known or should have been known to the agritourism professional.

§ 46-53-30. Affirmative defense; assumption of the risk.

In an action for damages against an agritourism professional for an injury to or death of a participant, the agritourism professional may plead assumption of the risk of an agritourism activity as an affirmative defense.

§ 46-53-40. Limitation on legal liability provided by chapter in addition to other limitations.

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

§ 46-53-50. Warning notice to be posted in conspicuous location; printed warning notice to be included in every written contract; required language of notice.

(A) Every agritourism professional must post and maintain at least one sign that contains a warning notice. The sign must be clearly visible and placed at the entrance of the agritourism activity or another conspicuous location on or near where agritourism activities are conducted. Each letter on the sign must be a minimum of one inch in height.

(B) Every written contract entered into with a participant by an agritourism professional for professional services, instruction, or rental of equipment related to an agritourism activity, must have a printed warning notice in or affixed to the



contract. The warning notice must be clearly legible, and the words must be in boldface, twelve-point type.

(C) The warning notices required in this section must contain the following statement:

“WARNING!

Under South Carolina law, an agritourism professional is not liable for an injury to or the death of a participant in an agritourism activity resulting from an inherent risk associated with the agritourism activity. (Chapter 53, Title 46, Code of Laws of South Carolina, 1976).”

(D) Failure to comply with the requirements in this section concerning warning signs and notices prevents an agritourism professional from pleading assumption of the risk of an agritourism activity as provided in Section 46-53-30 and invoking the privileges of immunity provided in Section 46-53-20.

