

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 56th Legislature (2017)

4 ENGROSSED SENATE
5 BILL NO. 595

By: Jech of the Senate

and

Hilbert of the House

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9 An Act relating to farmers markets; creating the
10 Farmers Market Liability Limitation Act; defining
11 terms; limiting liability of farmers market under
12 certain circumstances; providing for codification;
13 and providing an effective date.

14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 5-18 of Title 2, unless there is
17 created a duplication in numbering, reads as follows:

18 This act shall be known and may be cited as the "Farmers Market
19 Liability Limitation Act".

20 SECTION 2. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 5-19 of Title 2, unless there is
22 created a duplication in numbering, reads as follows:

23 As used in the Farmers Market Liability Limitation Act:
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1 1. "Farmers market" means a market that is registered with the
2 Oklahoma Department of Agriculture, Food, and Forestry;

3 2. "Farmers Market Operator" means the person who promotes or
4 manages the activities at a farmers market registered with the
5 Department; and

6 3. "Participant" means any person who attends a farmers market
7 or who sells, purchases or consumes any products offered or sold at
8 a farmers market.

9 SECTION 3. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 5-20 of Title 2, unless there is
11 created a duplication in numbering, reads as follows:

12 A. Any participant assumes the inherent risk of attending,
13 buying or selling goods at a farmers market registered with the
14 Oklahoma Department of Agriculture, Food, and Forestry. If a
15 participant brings an action for damages arising from the operation
16 of a registered farmers market, the registered farmers market
17 operator may plead an affirmative defense of assumption of risk by
18 the participant.

19 B. Any limitation on legal liability afforded to a registered
20 farmers market operator by this act shall be in addition to any
21 other limitation of legal liability otherwise provided by law.

22 C. Nothing in this act shall prevent or limit the liability of
23 a registered farmers market operator if:
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1 1. The registered farmers market operator injures the
2 participant by intentional or willful misconduct; or

3 2. The registered farmers market operator has actual knowledge
4 of a dangerous condition in the land, facilities or equipment used
5 in the registered farmers market activity or the dangerous
6 propensity of a particular animal used in such activity and does not
7 make the dangerous condition known to the participant and the
8 dangerous condition causes the participant to sustain injuries or
9 death.

10 SECTION 4. This act shall become effective November 1, 2017.

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12 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE AND RURAL DEVELOPMENT,
13 dated 04/04/2017 - DO PASS.
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