

SENATE BILL 334

KANSAS AGRITOURISM PROMOTION ACT

The purpose of the act is to promote the growth of the agritourism industry. This is achieved by the following:

- The creation of a registration process through which the state can assist in the promotion of agritourism operations
- Limiting liability through signage
- The creation of a tax credit to help offset the expense of agritourism liability insurance for existing and new operations

1. REGISTRATION

The act requires a voluntary registration process of agritourism operations in Kansas to be kept by the Kansas Department of Commerce.

The registration must include a description of the agritourism activity/activities conducted and the location of the agritourism operation.

There is **NO FEE** for registration and the list will be made available to the public by the Department of Commerce.

All registered operations will be promoted by the Department of Commerce in conjunction with all other tourism and rural development promotions.

Registration is valid for five years.

2. LIMIT LIABILITY THROUGH SIGNAGE

Warning signage must be prominently posted at each agritourism location. The posted warning signage must be the specific language as set forth in the act (*see back*). The letters on the signage must be a minimum of one inch in height and printed in black. The same wording must be included in every written contract an agritourism operation may enter into.

All registered operations shall provide to participants a written description of the registered agritourism activities upon request.

Signage provides that participants are assuming responsibility of inherent risks.

The agritourism promotion act does **NOT** limit the liability of willful or wanton conduct by any agritourism operators.

3. TAX CREDIT

The Department of Commerce is assigned the rules and regulations authority in determining which costs qualify as agritourism liability insurance costs.

The tax credit is an amount equal to 20 percent of the agritourism liability insurance not to exceed \$2,000 in any tax year.

If the tax credit exceeds the total amount of Kansas income taxes owed for that year, the difference can be rolled over to the next tax year.

For existing agritourism operations – this tax credit is available for tax years commencing on or after Dec 31, 2003, 2004, 2005, 2006 and 2007 (five tax years).

For new operations – this tax credit is available for the first five years commencing after they open their agritourism operation.

The limited liability is afforded to agritourism operations that charge for their activities and those that do not charge for their activities, so long as the signage is in place. This act does not preclude or replace the limited liability afforded to farmers/ranchers through the existing recreational use statutes.

It is important to note that registration as an agritourism operation is voluntary and free of charge. *However*, the only way an operation can be protected by this act and to be eligible for tax credits is to be registered and to have signage stating the exact words that are listed below.

WARNING

Under Kansas law, there is no liability for an injury or death of a participant in a registered agritourism activity conducted at this registered agritourism location if such injury or death results from the inherent risks of such agritourism activity. Inherent risks of agritourism activities include, but shall not be limited to, the potential of you as a participant to act in a negligent manner that may contribute to your injury or death and the potential of another participant to act in a negligent manner that may contribute to your injury or death. You are assuming the risk of participating in this registered agritourism activity.