

Second Regular Session of the 122nd General Assembly (2022)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2021 Regular Session of the General Assembly.

## SENATE ENROLLED ACT No. 343

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AN ACT to amend the Indiana Code concerning civil procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 34-31-9-2, AS ADDED BY P.L.3-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 2. As used in this chapter, "agritourism activity" means:

- (1) an activity at an agricultural, horticultural, or agribusiness operation where the general public is allowed or invited to participate in, view, or enjoy the activities for recreational, entertainment, or educational purposes, including farming, ranching, historic and cultural agricultural activities, self-pick farms, or farmers' markets;
- (2) an activity involving an animal exhibition at an agricultural fair; ~~or~~
- (3) natural resource based activities and attractions, including hunting, fishing, hiking, ~~and~~ trail riding, **camping, canoeing, kayaking, and tubing on a river; or**
- (4) **a winter sports activity, including an activity that takes place on a facility or on grounds used for or in connection with winter sports activities.**

SECTION 2. IC 34-31-9-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 3.5. "Electronic record" means a record created, generated, sent, communicated, received, or stored by electronic means. The term includes a contract or release.**

SEA 343 — Concur



SECTION 3. IC 34-31-9-3.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 3.7. "Electronic signature" means an electronic sound, symbol, or process:**

- (1) attached to or logically associated with an electronic record; and**
- (2) executed or adopted by a person; with the intent to sign the electronic record.**

SECTION 4. IC 34-31-9-12, AS ADDED BY P.L.3-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 12. (a)** This chapter does not apply to an agritourism provider who receives monetary consideration from an individual other than a government agency unless an agritourism provider:

- (1)** posts and maintains a sign on which is printed the warning notice set forth in section 14 of this chapter; or
  - (2)** has a signed **contract or** release from the participant indicating that the participant has received written notice of the warning set forth in section 13 of this chapter.
- (b)** A sign referred to in subsection (a) must be placed in a clearly visible location at the main point of entrance to the agritourism activity.
- (c)** The warning notice on a sign referred to in subsection (a) must be printed in black letters, and each letter must be at least one (1) inch in height.

SECTION 5. IC 34-31-9-13, AS ADDED BY P.L.3-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 13. (a)** If there is a written contract **or** release between an agritourism provider and a participant for the providing of access, services, instruction, or the rental of equipment to a participant for purposes of engaging in or participating in an agritourism activity, the contract **or** release must contain in clearly readable print **or** characters the warning notice specified in section 14 of this chapter.

**(b) A written contract or release under this chapter:**

- (1) may be created, stored, or transmitted as an electronic record; and**
- (2) may be signed by an electronic signature.**

**(c) Failure to:**

- (1) post or maintain a sign as described in section 12 of this chapter; or**
  - (2) provide the warning notice described in section 14 of this chapter;**
- does not create a cause of action or other liability on the part of an**



**agritourism provider.**

**(d) Nothing in this chapter alters or eliminates any legal defense that an agritourism provider may have in relation to any injury, death, loss, or harm arising out of an agritourism activity.**

SECTION 6. IC 34-31-9-14, AS ADDED BY P.L.3-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 14. The warning notice that must be printed on a sign under section 12 of this chapter and included in a written contract **or release** under section 13 of this chapter is as follows:

**WARNING**

Under Indiana law, an agritourism provider is not liable for an injury to, or the death of, a participant in agritourism activities at this location if the death or injury results from the inherent risks of agritourism activity.

Inherent risks of agritourism activities include 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, or for other participants to act in a manner that may cause you injury or cause your death.

You are assuming the risk of participating in this agritourism activity.



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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

**SEA 343 — Concur**

