

I SAW THE SIGN
...and it...WHAT?
By Sara LeMoine Knox

Landowners, outfitters, Hunting Guides: Get this sign made in bold and large print and post it at each main entrance to your property.

Hunters, Hunter's Guests and children: Read each and every sign posted prior to entering another's property.

“WARNING. UNDER TEXAS LAW (CHAPTER 75A, CIVIL PRACTICE AND REMEDIES CODE),
AN AGRITOURISM ENTITY IS
NOT LIABLE
FOR ANY INJURY TO OR RESULTING FROM AN AGRITOURISM ACTIVITY.”

An Additional way for a Landowner to limit liability is through an “Agreement and Warning Statement.” That written document must be signed by a participant PRIOR to entering the property. This Agreement resembles a waiver and contains the following language:

“I UNDERSTAND AND ACKNOWLEDGE THAT AN AGRITOURISM ENTITY IS NOT LIABLE FOR ANY INJURY TO OR DEATH OF AN AGRITOURISM PARTICIPANT RESULTING FROM AGRITOURISM ACTIVITIES. I UNDERSTAND THAT I HAVE ACCEPTED ALL RISK OF INJURY, DEATH, PROPERTY DAMAGE AND OTHER LOSS THAT MAY RESULT FROM THE AGRITOURISM ACTIVITIES.”

All Legal jargon aside, This Warning Statement protects Landowners' when their negligent conduct is responsible for injuring visitors. Of course, this sign does NOT protect a landowner whose conduct was intentional, malicious, or grossly negligent. Additionally, this warning can be valid and enforceable for a minor who is just visiting the property for educational agritourism activities. MAKE SURE YOU READ AND UNDERSTAND EVERY POSTED SIGN regardless if you are a landowner, hunter, or visiting someone's property. Also, if you sign a document, make sure you read that document and understand that document. You might be signing away your legal rights.

For more information see the following: <http://agrilife.org/texasaglaw/2016/02/01/texas-agritourism-act/>

Finally, need sample waiver of Liability, assumption-of-the-risk forms, or deer leases visit www.recenter.tamu.edu. Go to Research Library under the Research tab. This is a great place to start, prior to visiting an attorney and incurring additional fees. READ THE SIGNS. BUT MORE IMPORTANTLY UNDERSTAND THE SIGNS AND DOCUMENTS.