

# State of South Dakota

EIGHTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2012

275T0584

## HOUSE BILL NO. 1212

Introduced by: Representatives Moser, Abdallah, Cronin, Hansen (Jon), Hoffman, Hunhoff (Bernie), Kirkeby, Magstadt, Novstrup (David), Olson (Betty), Sly, Turbiville, Verchio, and Wick and Senators Hunhoff (Jean), Hansen (Tom), Haverly, Lederman, and Sutton

1 FOR AN ACT ENTITLED, An Act to revise certain terms regarding tort liability.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That § 20-9-12 be amended to read as follows:

4 20-9-12. Terms used in §§ 20-9-12 to 20-9-18, inclusive, mean:

5 (1) "Charge," the admission price or fee asked in return for invitation or permission to  
6 enter or go upon the land. Any nonmonetary gift to an owner that is less than one  
7 hundred dollars in value may not be construed to be a charge;

8 (2) "Land," land, trails, water, watercourses, private ways and agricultural structures, and  
9 machinery or equipment if attached to the realty;

10 (3) "Outdoor recreational purpose," includes, ~~but is not limited to,~~ any of the following  
11 activities, or any combination thereof: hunting, fishing, swimming other than in a  
12 swimming pool, boating, canoeing, camping, picnicking, hiking, biking, off-road  
13 driving, aviation activity, nature study, water skiing, winter sports, snowmobiling,  
14 viewing, or enjoying historical, archaeological, scenic, or scientific sites;



- 1       (4) "Agritourism activity," any activity carried out on a farm, on a ranch, in a forest, or  
2       on an agribusiness operation that allows members of the general public, for  
3       recreational, entertainment, or educational purposes, to view or participate in  
4       agricultural activities, including farming, ranching, historical, cultural, harvest-your-  
5       own, or nature-based activities and attractions. An activity is an agritourism activity  
6       whether or not the participant paid to participate in the activity. An activity is not an  
7       agritourism activity if the participant is paid to participate in the activity;
- 8       (5) "Owner," the possessor of a fee interest, a tenant, lessee, occupant, or person in  
9       control of the premises.