

***Insurance:
Common
Questions***

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Premise Liability

property owners may be liable for damages resulting from injuries occurring on their property

Nebraska Limits to Liability

1965 recreational liability statute

1997 equine liability statute

2015 agritourism liability statute

WARNING – Under Nebraska law, an owner of property, including lands and waters, is not liable for the injury to or death of the participant in agritourism activities or damage to the participant’s property resulting from the inherent risks of such activities. Inherent risks include, without limitation, the risk of animals and land and water conditions, the ordinary dangers of structures or equipment ordinarily used in farming or ranching operations, and the potential for you or another participant to act in a negligent manner that may contribute to your own injury or death. You are assuming the risk of participating in the agritourism activities for which you are entering the owner’s premises.

Agritourism limited liability may be lost

1. if the land is not properly posted or the required warning is not contained in any agritourism activity contract
2. if the owner fails to exercise reasonable care to guard against unusual dangers associated with the property
3. if the owner fails to maintain the property, facilities and equipment
4. if the owner fails to train or properly supervise employees
5. deliberate misbehavior
6. violation of any related state or local legal requirement (e.g. failing to cap an abandoned well)

Questions

Do I need insurance?

Is insurance available?

How much does it cost?

Tips

Make your business plan, and then talk to insurance agents.

If you are leasing your land to an agritourism operator

- Tell your insurance agent.
- Make sure you have proof of with you listed as an insured party.

Build the cost of insurance into the amount you charge.