

ASSEMBLY, No. 475

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblywoman VANDERVALK

1 AN ACT concerning the liability of certain persons for activities on
2 agricultural or horticultural lands and supplementing chapter 42A
3 of Title 2A of the New Jersey Statutes.

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5 BE IT ENACTED by the Senate and General Assembly of the State
6 of New Jersey:

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8 1. As used in this act, "agricultural or horticultural land" means
9 land devoted to the production for sale of plants, crops, or other
10 related commodities, including bees and apiary products, orchards,
11 nurseries, and trees and forest products.

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13 2. a. A person who is invited onto agricultural or horticultural land
14 by the owner, lessee, or occupant of that land , or by any employee or
15 agent thereof, for the purpose of picking or taking agricultural or
16 horticultural products shall be considered a licensee for the purpose of
17 determining the duty owed by the owner, lessee, occupant , agent, or
18 employee to that person.

19 b. An owner, lessee, or occupant of agricultural or horticultural
20 land , or an agent or employee thereof, who acts in conformance with
21 a standard of reasonable care, as prescribed pursuant to section 3 of
22 P.L. , c. (C.)(now before the Legislature as this bill), shall be
23 presumed to have acted reasonably with respect to any person invited
24 onto the land for the purpose of picking or taking agricultural or
25 horticultural products in any civil action for damages related to that
26 person's activities on the land.

27 c. The owner, lessee, or occupant of agricultural or horticultural
28 land , or an agent or employee thereof, who invites persons onto the
29 land for the purpose of picking or taking agricultural or horticultural
30 products shall:

31 (1) clearly mark off the area wherein the persons on the land may
32 engage in the activity of picking or taking agricultural or horticultural
33 products. A person who enters land outside this area shall be
34 considered a trespasser for the purposes of determining the duty owed
35 by the owner, lessee, occupant , agent or employee to that person;
36 and

1 (2) post signs at the point of arrival explaining the area at which
2 the activities may be conducted, the rules of conduct, and the
3 limitations on liability provided for in this section.

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5 3. The State Board of Agriculture shall adopt regulations that shall
6 prescribe those actions, based upon a standard of reasonable care, that
7 an owner, lessee, or occupant of agricultural or horticultural lands , or
8 an agent or employee thereof, shall take with respect to ensuring the
9 safety of persons invited onto those lands for the purpose of picking
10 or taking agricultural or horticultural products.

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12 4. This act shall take effect immediately and shall apply only to any
13 cause of action that arises after the effective date of this act.

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19 Provides limited civil liability immunity to farmers for "pick your own"
operations.