

[Passed Both Houses]

SENATE SUBSTITUTE FOR
SENATE, No. 1332

STATE OF NEW JERSEY

ADOPTED DECEMBER 11, 1997

Sponsored by Senators KYRILLOS, SINGER, Matheussen,
Assemblywoman Vandervalk, Assemblymen Garrett,
Blee and LeFevre

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 orchards, nurseries or other land devoted to the production for sale of
10 plants, crops, trees, forest products or other related commodities.

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12 2. Notwithstanding the provisions of any law to the contrary, an
13 owner, lessee or occupant of agricultural or horticultural land shall not
14 have a legal duty to protect a person who is invited onto the land for
15 the purposes of picking or taking agricultural or horticultural products
16 from the natural risks or hazards that are inherent characteristics of
17 agricultural or horticultural land, and shall not be liable if such a
18 person invited onto the land is injured because of any natural risks or
19 hazards that are inherent characteristics of agricultural or horticultural
20 land.

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22 3. This act shall take effect immediately and shall apply only to
23 any cause of action that arises after the effective date of this act.

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STATEMENT

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28 The Legislature recognizes that agricultural or horticultural
29 operations are used for the purposes of inviting the public to come
30 onto the land to pick and to take agricultural and horticultural

1 products. The Legislature also recognizes that this activity is a
2 valuable business resource for New Jersey agriculture. Individuals that
3 invite the public on to agricultural or horticultural land for purposes
4 of picking or taking horticultural products need to be distinguished
5 from the operators of other types of businesses with respect to
6 liability. According to the provisions of this bill, owners, lessees or
7 occupants of agricultural or horticultural land who invite the public
8 onto the land for the purposes of picking or taking agricultural or
9 horticultural products shall not be responsible for injuries that occur
10 because of the intrinsic hazards or natural conditions of agricultural or
11 horticultural operations.

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