

Legislative Analysis



FARM MARKET LIABILITY ACT

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House Bill 4866

Sponsor: Rep. Joel Johnson

Committee: Judiciary

Complete to 3-7-12

A SUMMARY OF HOUSE BILL 4866 AS INTRODUCED 7-27-11

The bill would create a new act, the Farm Market Liability Act. Under the act, the owner or lessee of land used as a farm market, the growers of farm products sold at farm markets, and employees or agents of either would not be liable for personal injury or property damage proximately caused by one or more of the following:

- A condition on the land where the farm market is located.
- The conduct of or failure to act by an individual related to the operation of a farm market. (However, this would not apply to conduct or a failure to act related to transporting farm products to or from the farm market.)
- The condition of a farm product sold at the farm market.

These provisions would not apply if the personal injury or property damage is proximately caused by willful or wanton misconduct. The proposed act would not affect the liability or immunity of a governmental agency under 1964 PA 170, which is known as the Governmental Immunity Act.

"*Farm Market*" would mean a place open to the public where growers of farm products sell the products directly to members of the public.

FISCAL IMPACT:

This bill would not have a significant fiscal impact on state and local governments. The number of actions for damages that could be pursued in court is decreased, potentially leading to savings for local courts due to a reduced caseload. The number of cases currently pursued for the reasons outlined in House Bill 4866 are not known, but are likely minimal.

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