

HOUSE BILL No. 4866

July 27, 2011, Introduced by Reps. Johnson, McBroom, Denby, Tyler, Pscholka, Foster, Rendon, Outman, Goike, Kurtz and Daley and referred to the Committee on Judiciary.

A bill to provide protection from civil liability related to the operation of farm markets.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the "farm
2 market liability act".

3 Sec. 3. As used in this act:

4 (a) "Farm market" means a place open to the public where
5 growers of farm products sell the products directly to members of
6 the public.

7 (b) "Farm product" means that term as defined in section 2 of
8 the Michigan right to farm act, 1981 PA 93, MCL 286.472, except
9 that farm product does not include a live animal.

10 (c) "Person" means an individual, partnership, corporation,
11 association, governmental entity, or other legal entity.

1 (d) "Wanton misconduct" means conduct or a failure to act that
2 shows such indifference to whether harm will result as to be equal
3 to a willingness that harm will result.

4 (e) "Willful misconduct" means conduct or a failure to act
5 that was intended to harm the injured individual.

6 Sec. 5. (1) Except as otherwise provided in this act, a person
7 described in subsection (2) is not liable for personal injury or
8 property damage proximately caused by 1 or more of the following:

9 (a) A condition on the land where the farm market is located.

10 (b) The conduct of or failure to act by an individual related
11 to the operation of the farm market. This subdivision does not
12 apply to conduct or a failure to act related to transporting farm
13 products to or from the farm market.

14 (c) The condition of a farm product sold at the farm market.

15 (2) All of the following are protected from liability under
16 subsection (1):

17 (a) A person who owns or leases property used as a farm
18 market.

19 (b) A grower of farm products who sells the products at a farm
20 market.

21 (c) An employee or agent of a person described in subdivision
22 (a) or (b), if the liability of the employee or agent arises from
23 conduct of or a failure to act by the employee or agent related to
24 the farm market.

25 Sec. 7. (1) Section 5 does not apply if the personal injury or
26 property damage is proximately caused by willful or wanton
27 misconduct.

1 (2) This act does not affect the liability or immunity of a
2 governmental agency under 1964 PA 170, MCL 691.1401 to 691.1419.