

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

HOUSE BILL

1024

By: Representatives Willems, Thicksten and Barclay

For An Act To Be Entitled

"AN ACT TO PROVIDE THAT NO CAUSE OF ACTION SHALL LIE AGAINST THE OWNER, TENANT OR LESSEE OF LAND FOR INJURIES TO ANY PERSON ON THE LAND FOR THE PURPOSE OF PICKING FARM PRODUCTS; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. No cause of action shall arise against the owner, tenant or lessee of land for injury to any person who is on the land for the purpose of picking or otherwise harvesting agricultural products unless all of the following apply:

- (a) The person's injuries were caused by a condition which involved an unreasonable risk of harm;
- (b) The owner, tenant or lessee knew or had to reason to know of the condition or risk;
- (c) The owner, tenant or lessee failed to exercise reasonable care to make the condition safe or to warn the person of the condition or risk; and
- (d) The person injured did not know or did not have reason to know of the condition or risk.

SECTION 2. The term "agricultural products" means the natural products of a farm, nursery, grove, orchard, vineyard, garden, and apiary, including but not limited to trees and firewood.

SECTION 3. All laws and parts of laws in conflict with this Act are hereby repealed.