

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

HOUSE BILL

1165

By: Representatives Porter, Willems, Thicksten,

Hatfield, Barclay, et al

For An Act To Be Entitled

"AN ACT RELATING TO THE LIABILITY OF A LANDOWNER, TENANT OR
LESSEE FOR INJURIES TO PERSONS PICKING OR GATHERING
AGRICULTURAL OR FARM PRODUCTS; AND FOR OTHER PURPOSES."

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

SECTION 1. (a) No cause of action shall arise against the owner, tenant, or lessee of land or premises for injuries to any person who is on that land or premises for the purpose of gleaning agricultural or farm products, unless that person's injuries were caused by the gross negligence or willful and wanton misconduct of the owner, tenant, or lessee.

(b) No cause of action shall arise against the owner, tenant, or lessee of land or premises for injuries to any person, other than an employee or contractor of the owner, tenant, or lessee, who is on the land or premises for the purpose of picking and purchasing agricultural or farm products at a farm or "u-pick" operation, unless the person's injuries were caused by a condition which involved an unreasonable risk of harm and all of the following apply:

(1) The owner, tenant, or lessee knew or had reason to know of the condition or risk.

(2) 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.

(3) The person injured did not know or did not have reason to know of the condition or risk.

(c) As used in this section, "agricultural or farm products" means the natural products of the farm, nursery, grove, orchard, vineyard, garden, and apiary, including, but not limited to, trees and firewood.

SECTION 2. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code

Revision Commission shall incorporate the same in the Code.

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 All laws and parts of laws in conflict with this Act are hereby repealed.