

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2178 Session of
1989

INTRODUCED BY YANDRISEVITS, MORRIS, COY, BOWLEY, BATTISTO,
McCALL, TIGUE, WOZNIAK, PESCI, HALUSKA, RUDY, PISTELLA,
OLASZ, MAINE, FARGO, NOYE, G. SNYDER, MOEHLMANN, FAIRCHILD,
MERRY, HERMAN, HERSHEY, LEE, FLEAGLE, JOHNSON, STRITTMATTER,
WASS, E. Z. TAYLOR, GODSHALL, BARLEY, SEMMEL, SCHEETZ AND
SCRIMENTI, DECEMBER 11, 1989

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,
DECEMBER 11, 1989

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, granting immunity to the
3 owners, tenants or lessees of agricultural property from
4 certain claims involving individuals picking their own
5 agricultural products.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Title 42 of the Pennsylvania Consolidated
9 Statutes is amended by adding a section to read:

10 § 8338. Agricultural immunity.

11 (a) General rule.--No cause of action shall arise against
12 the owner, tenant or lessee of land or premises for injuries to
13 any person, other than an employee or contractor of the owner,
14 tenant or lessee, who is on the land or premises for the purpose
15 of picking and purchasing agricultural or farm products at a
16 farm or "u-pick" operation, unless the person's injuries were
17 caused by a condition which involved an unreasonable risk of

1 harm and all of the following apply:

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

4 (2) The owner, tenant or lessee failed to exercise
5 reasonable care to make the condition safe, or to warn the
6 person of the condition or risk.

7 (b) Definitions.--As used in this section, the term
8 "agricultural or farm products" means the natural products of
9 the farm, nursery, grove, orchard, vineyard, garden and apiary,
10 including, but not limited to, trees and firewood.

11 Section 2. This act shall take effect immediately.