



# House of Representatives

General Assembly

**File No. 602**

January Session, 2001

Substitute House Bill No. 6983

*House of Representatives, May 3, 2001*

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT CONCERNING THE LIABILITY OF LANDOWNERS WHO PERMIT THE HARVESTING OF FRUIT AND VEGETABLES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 52-557k of the general statutes is repealed and the following  
2 is substituted in lieu thereof:

3 (a) As used in this section: (1) "Owner" means the possessor of a fee  
4 interest, a tenant, occupant or person in control of the premises; (2)  
5 "harvesting" means the cutting and removal of designated standing  
6 trees, down trees, tree tops and other logging slash or debris suitable  
7 for use as firewood or the picking and removal of designated fruits or  
8 vegetables; (3) "charge" means the fee asked in return for a specified  
9 volume of firewood or a specified volume of fruits or vegetables and  
10 the right to harvest such firewood or such fruits or vegetables.

11 (b) Any owner of land who invites or permits any person (1) to  
12 enter the land or a part thereof to harvest firewood, with or without

13 charge, or (2) to enter the land or a part thereof to harvest fruits or  
14 vegetables, without charge, on behalf of a nonprofit organization or  
15 nonprofit corporation for use by such nonprofit organization or  
16 nonprofit corporation or for distribution to other nonprofit  
17 organizations or nonprofit corporations, shall not be liable for damages  
18 as a result of injury to such person when such injury arises out of the  
19 use of the land or out of the act of harvesting firewood or harvesting  
20 fruits or vegetables, unless such injury is caused by such owner's  
21 failure to warn of a dangerous hidden hazard actually known to such  
22 owner.

23 (c) This section shall not apply to [owners who sell] (1) an owner  
24 who sells more than one hundred cords of firewood each calendar  
25 year, (2) an owner who operates a "pick or cut your own agricultural  
26 operation" as defined in section 52-568a, or (3) an owner who operates  
27 an agricultural operation to which the public is invited and charged for  
28 produce harvested and removed from the land.

**Statement of Legislative Commissioners:**

The definition of "charge" was revised to reflect the other changes being made to the section.

**JUD**      *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

---

**OFA Fiscal Note**

**State Impact:** None

**Affected Agencies:** Judicial Department

**Municipal Impact:** None

**Explanation**

The bill is intended to limit the liability of landowners who permit persons to pick fruits and vegetables without charge for use by nonprofit organizations or corporations. While the bill would impact certain landowners who run such operations and individuals injured while picking fruits and vegetables, passage of the bill would not result in any fiscal impact to the state.

---

**OLR BILL ANALYSIS**

sHB 6983

***AN ACT CONCERNING THE LIABILITY OF LANDOWNERS WHO PERMIT THE HARVESTING OF FRUIT AND VEGETABLES.***

**SUMMARY:**

This bill gives a landowner immunity from liability for injuries sustained by people he invites or permits on his land, without charge, to harvest fruits or vegetables, when the injuries arise from their use of the land or harvesting. The immunity applies only if the people are harvesting on behalf of a nonprofit organization or corporation for its own use or for distribution to other nonprofit organizations or corporations.

The immunity does not apply to:

1. injuries caused by the owner's failure to warn of a dangerous hidden hazard he knows about,
2. an owner to whom the Department of Revenue Services has issued a farmer sales tax exemption permit, or
3. an owner who operates an agricultural operation to which the public is invited and charged for produce harvested and removed from the land.

EFFECTIVE DATE: October 1, 2001

**BACKGROUND**

Under the common law (judge made law), a landowner owes the following duties to people who come onto his land for the purpose for which it is held open to the public:

1. not to intentionally cause harm;

2. to inspect the premises for dangerous conditions;
3. to erect any safeguards necessary to render the premises reasonably safe;
4. either to warn people entering of any known dangerous non-apparent conditions or activities or make such conditions or activities reasonably safe; and
5. to watch out for people who come onto the land, if he is involved in a dangerous activity.

Under the common law, landowners are liable for injuries caused by their breach of one or more of these duties.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute  
Yea 40    Nay 0