

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 467
Second Edition Engrossed 4/10/17
Senate Agriculture/Environment/Natural Resources Committee Substitute Adopted
4/25/17

Short Title: Agriculture and Forestry Nuisance Remedies.

(Public)

Sponsors:

Referred to:

March 27, 2017

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE REMEDIES AVAILABLE IN PRIVATE NUISANCE
ACTIONS AGAINST AGRICULTURAL AND FORESTRY OPERATIONS.

The General Assembly of North Carolina enacts:

SECTION 1. Article 57 of Chapter 106 of the General Statutes is amended by
adding a new section to read:

**"§ 106-702. Limitations on private nuisance actions against agricultural and forestry
operations.**

(a) The compensatory damages that may be awarded to a plaintiff for a private nuisance
action where the alleged nuisance emanated from an agricultural or forestry operation shall be
as follows:

(1) If the nuisance is a permanent nuisance, compensatory damages shall be
measured by the reduction in the fair market value of the plaintiff's property
caused by the nuisance, but not to exceed the fair market value of the
property.

(2) If the nuisance is a temporary nuisance, compensatory damages shall be
limited to the diminution of the fair rental value of the plaintiff's property
caused by the nuisance.

(b) If any plaintiff or plaintiff's successor in interest brings a subsequent private
nuisance action against any agricultural or forestry operation, the combined recovery from all
such actions shall not exceed the fair market value of his or her property. This limitation
applies regardless of whether the subsequent action or actions were brought against a different
defendant than the preceding action or actions.

(c) This Article shall apply to any private nuisance claim brought against any party
based on that party's contractual or business relationship with an agricultural or forestry
operation.

(d) This Article does not apply to any cause of action brought against an agricultural or
forestry operation for negligence, trespass, personal injury, strict liability, or other cause of
action for tort liability other than nuisance, nor does this Article prohibit or limit any request
for injunctive relief or punitive damages that are otherwise available."

SECTION 2.(a) This act is effective when it becomes law and applies to causes of
action commenced or brought on or after that date.



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1 **SECTION 2.(b)** If any section or provision of this act is declared unconstitutional
2 or invalid by the courts, it does not affect the validity of this act as a whole or any part other
3 than the part declared to be unconstitutional or invalid.