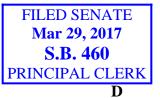
GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2017



S

SENATE BILL DRS45312-TQ-19A (03/22)

	Short Title: A	griculture and Forestry Nuisance Remedies.	(Public)	
	Sponsors: S	Sponsors: Senators B. Jackson, Bishop, and Rabon (Primary Sponsors).		
	Referred to:			
1		A BILL TO BE ENTITLED		
2	AN ACT TO CLARIFY THE REMEDIES AVAILABLE IN PRIVATE NUISANCE			
3	ACTIONS AGAINST AGRICULTURAL AND FORESTRY OPERATIONS.			
4		The General Assembly of North Carolina enacts:		
5	SECTION 1. Article 57 of Chapter 106 of the General Statutes is amended by			
6	adding a new section to read:			
7	"§ 106-702. Limitations on private nuisance actions against agricultural and forestry			
8		ations.		
9		compensatory damages that may be awarded to a plaintiff for a private		
10	action where the alleged nuisance emanated from an agricultural or forestry operation shall be			
11	as follows:			
12	<u>(1)</u>	If the nuisance is a permanent nuisance, compensatory damages		
13		measured by the reduction in the fair market value of the plaintiff		
14 15		caused by the nuisance, but not to exceed the fair market val	<u>le of the</u>	
15 16	(2)	property. If the nuisance is a temporary nuisance, compensatory damages	chall ha	
10	<u>(2)</u>	limited to the diminution of the fair rental value of the plaintiffs		
18		caused by the nuisance.	property	
19	(b) If an	y plaintiff or plaintiff's successor in interest brings a subsequer	nt private	
20	nuisance action against any agricultural or forestry operation, the combined recovery from all			
21	such actions shall not exceed the fair market value of his or her property. This limitation			
22	applies regardless of whether the subsequent action or actions were brought against a different			
23	defendant than the preceding action or actions.			
24	(c) This Article shall apply to any private nuisance claim brought against any party			
25	based on that party's contractual or business relationship with an agricultural or forestry			
26	operation."			
27	SECTION 2.(a) This act is effective when it becomes law and applies to actions			
28	filed, arising, or pending on or after that date.			
29	SECTION 2.(b) If any section or provision of this act is declared unconstitutional			
30	or invalid by the courts, it does not affect the validity of this act as a whole or any part other			
31	than the part declared to be unconstitutional or invalid.			

