HOUSE BILL 218
Committee Substitute Favorable 4/19/01

Short Title:	Injury to Commodities or Production Systems.	(Public)
Sponsors:		
Referred to:		

February 22, 2001

1   A BILL TO BE ENTITLED
2   AN ACT TO PROVIDE FOR TREBLE DAMAGES FOR THE INJURY TO, OR THE
3   DESTRUCTION OF, AGRICULTURAL COMMODITIES OR PRODUCTION
4   SYSTEMS.
5   The General Assembly of North Carolina enacts:
6   **SECTION 1.** Article 43 of Chapter 1 of the General Statutes is amended by
7   adding a new section to read:
8   "**§ 1-539.2B. Treble damages for injury to agricultural commodities or production**
9   **systems; additional damages for certain agricultural commodities or**
10   **production systems.**
11   (a)   Any person who willfully injures or destroys any other person's agricultural
12   commodities or production system is liable for three times the value of the commodities
13   or production system injured or destroyed.
14   (b)   For purposes of this section, the value of agricultural commodities that are
15   grown for educational, testing, or research purposes includes all of the following:
16   (1)   The diminution in market value of the commodities when the
17   commodities were grown for sale and the plaintiff is the entity who
18   sold the commodities or would have sold the commodities but for their
19   injury or destruction.
20   (2)   Costs to the plaintiff for research and development of the injured or
21   destroyed commodities.
22   (3)   Other incidental and consequential damages proven to have been
23   incurred by the plaintiff.
24   (c)   For the purpose of this section, the following definitions apply:
25   (1)   'Agricultural commodities' means commodities produced from the
26   cultivation of soil or hydroponics or any other method of production
27   for production of crops, including fruits, vegetables, flowers and
28   ornamental plants, the planting and production of trees, timber, forests
29   or forest products, and the raising of livestock and poultry and eggs,

1   for individual and public use, consumption, and marketing. The term
2   'agricultural commodities' also includes seed, genetic material, tissue
3   cultures and any research and development materials, information, and
4   records. Further, for the purposes of this section, aquaculture is
5   considered a form of agriculture pursuant to G.S. 106-758.
6   (2)   'Production systems' means land, buildings, and equipment used in the
7   production of agricultural commodities."
8   **SECTION 2.** This act becomes effective October 1, 2001, and applies to acts
9 that occur on or after that date.