

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

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HOUSE BILL 467  
Second Edition Engrossed 4/10/17

Short Title: Agriculture and Forestry Nuisance Remedies. (Public)

Sponsors: Representatives Dixon, Davis, Lewis, and J. Bell (Primary Sponsors).  
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Referred to: Judiciary III

March 27, 2017

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 **operations.**

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

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

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

19 (b) If any plaintiff or plaintiff's successor in interest brings a subsequent 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 causes of  
28 action arising on or after that date. This act shall not affect pending litigation.

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.

