

IC 34-30-3

Chapter 3. Agriculture: Immunity From Civil Liability for Allowing the Gleaning of Agricultural Products

IC 34-30-3-0.1

Application of certain amendments to chapter

Sec. 0.1. The addition of section 2 of this chapter by P.L.17-2001 applies only to a cause of action that accrues after June 30, 2001. The enactment of section 2 of this chapter by P.L.17-2001 may not be considered in determining liability for a cause of action that accrues before July 1, 2001.

As added by P.L.220-2011, SEC.563.

IC 34-30-3-1

Liability to licensees

Sec. 1. An operator that allows the land or premises of the operator to be used by another person without compensation for the purpose of gleaning agricultural products is immune from civil liability to the person if the person is injured while on the land or premises of the operator, unless the person's injury is a direct result of the gross negligence or willful or wanton misconduct of the operator.

As added by P.L.1-1998, SEC.26.

IC 34-30-3-2

Immunity from civil liability

Sec. 2. (a) The definitions set forth in IC 22-11-20 apply to this section.

(b) Except as provided in subsection (c), the victim or an agent of the victim of a theft (IC 35-43-4-2(a)) or criminal conversion (IC 35-43-4-3) of:

- (1) anhydrous ammonia (NH₃);
- (2) an ammonia solution; or
- (3) a container used to store or transport anhydrous ammonia or an ammonia solution;

is immune from civil liability for injury or damage resulting from the possession or use of the anhydrous ammonia, ammonia solution, or container by another person to commit a violation of IC 35-48-4.

(c) A victim or an agent described in subsection (b) is not immune from civil liability under subsection (b) if:

- (1) the victim or agent committed a crime involving the anhydrous ammonia, ammonia solution, or container that is the subject of the theft or criminal conversion; or
- (2) the victim's or agent's willful or intentional commission of a violation of an applicable law, rule, or regulation governing the:
 - (A) design;
 - (B) construction;
 - (C) location;
 - (D) installation; or

(E) operation;
of equipment for storage, handling, use, or transportation of
anhydrous ammonia or ammonia solution proximately caused
the theft or criminal conversion.

As added by P.L.17-2001, SEC.10.