

# HOUSE . . . . . No. 3301

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## The Commonwealth of Massachusetts

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PRESENTED BY:

*Kate Hogan*

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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to manage traffic related to retail agricultural businesses.

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PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Kate Hogan</i>	<i>3rd Middlesex</i>	
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>	
<i>Chris Walsh</i>	<i>6th Middlesex</i>	
<i>Anne M. Gobi</i>	<i>5th Worcester</i>	
<i>Paul A. Schmid, III</i>	<i>8th Bristol</i>	
<i>Stephen Kulik</i>	<i>1st Franklin</i>	

# HOUSE . . . . . No. 3301

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By Ms. Hogan of Stow, a petition (accompanied by bill, House, No. 3301) of Kate Hogan and others relative to managing traffic at certain retail agricultural businesses. Transportation.

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## The Commonwealth of Massachusetts

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In the Year Two Thousand Thirteen  
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An Act to manage traffic related to retail agricultural businesses.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           Chapter 90 of the General Laws is hereby amended by inserting after section 14B, the  
2 following section:-

3           Section 14C. Retail agricultural businesses

4           (a) For the purposes of this section the following words shall have the following  
5 meanings:

6           “Retail agricultural business,” a farming operation that meets the provisions of section 3  
7 of chapter 40A and that sells directly to the public either through a storefront, stand, pick-your-  
8 own, farm share, community supported agriculture program or similar venue.

9           “Retail Agricultural Business Owner,” The owner, co-owner or part owner of a retail  
10 agricultural business.

11           “Employee,” An individual employed full-time, part-time or seasonally at a retail  
12 agricultural business.

13           (b) The owner or employee of a retail agricultural business may, while exercising due  
14 care, may direct operators of other vehicles on state or municipal roadways and the business  
15 property in an effort to ease traffic and congestion during times when vehicles entering and  
16 leaving the retail agricultural business may cause disruption in normal traffic flow.

17           (c ) The Massachusetts state police, or other law enforcement body designated by the  
18 state police, may provide education materials and require reasonable training and certification  
19 programs for owners or employees of retail agricultural business who may direct traffic.

20 (d) (1) Liability for any death, personal injury or property damage suffered by any person  
21 in a traffic accident related to the flow of traffic to and from a retail agricultural business shall  
22 not be imposed upon the owner or employee of a retail agricultural business provided they were  
23 operating with due care and in accordance with any guidance or training provided for in (c).

24 (2) This subsection shall not apply if the death, personal injury or property damage  
25 allegedly arose from a negligent act by the owner or employee of a retail agricultural business.

26 (e) This section shall not create a new cause of action or substantive legal rights against  
27 any owner or employee or a retail agricultural business. This section shall not affect any  
28 immunities from civil liability or defenses established by general law or any immunity from civil  
29 liabilities or defense available at common law to which an owner or employee of an retail  
30 agricultural business may be entitled.