

117. TORT REFORM AND INSURANCE LIABILITY

We support:

1. Coordination of efforts between state and county Farm Bureaus, medical associations, insurance organizations, and other organizations for solving the increasing problems of cost and availability of liability insurance.
2. Efforts to reduce the costs of product liability insurance and other important classes of liability insurance. Reduction of these costs will benefit the ultimate consumers.
3. Legislation to help protect landowners and tenants from liability claims made by trespassers, licensees, or invitees coming upon the landowners' property and legislation to ensure landowners and tenants owe no duty of care to trespassers, regardless of age.
4. Legislation that will protect the private landowner from liability claims arising from conditions or risks created by storms or other natural disasters.
5. Limitations upon an attorney's contingency fee.
6. Modification of the law on joint and several liability and comparative negligence to prevent inequitable division of compensation from defendants.
7. Removal of the authority of local units of government to use profits generated from tax- created liability protection funds for other purposes.
8. Development of informational programs to educate our membership and the public regarding issues relating to tort reform and the insurance liability crisis.
9. Laws or regulations absolving farmers from liability claims of environmental pollution:
 - A. When complying with federal or state approved label instructions.
 - B. When building, managing, or operating livestock facilities according to federal or state guidelines such as the Livestock Management Facilities Act (LMFA) and the Concentrated Animal Feeding Operation (CAFO) rules.
10. Legislation at the state and federal level to place reasonable limitations on attorney's fees generated by class action lawsuits.
11. Efforts to limit punitive damages in odor lawsuits.
12. An amendment to the Recreational Use of Land and Water Areas Act in order to limit the liability of landowners who voluntarily open their land for educational and recreational activities at no charge while maintaining the landowner's ability to determine who to allow on their property.
13. Legislation that would encourage liability litigation to be filed and commenced in the jurisdiction where the medical service was provided.
14. The expansion of the restitution language that will allow the recovery of both out-of-pocket expenses and lost wages.
15. Requiring the cost of defense to be paid by the complaining or suing parties and their representatives in the event the defendant prevails.
16. Legislation to minimize the liability of farm equipment drivers and/or owners when Illinois Department of Transportation design standards force their equipment to travel across the center line.

We will support at the state and federal level and will urge the American Farm Bureau Federation to support a "Voluntarism Protection Act" to grant immunity from personal civil liability under certain circumstances to volunteers, officers and directors working in behalf of non-profit and charitable organizations and government.

We will seek legislation to require the payment by the plaintiff or plaintiffs of costs and reasonable attorney fees incurred by a prevailing defendant in any nuisance action in which a proposed farm (as defined in the Farm Nuisance Suit Act) or expansion of an existing farm which is alleged to be a nuisance.