

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

HOUSE BILL NO. 1521

By: Rice

AS INTRODUCED

An Act relating to torts; creating the Limitation of Liability for Livestock Activities Act; providing for findings; defining terms; providing for liability; providing certain exceptions; providing specifications; requiring certain posting; providing specifications and contents; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 50.1 of Title 76, unless there is created a duplication in numbering, reads as follows:

A. This act shall be known and may be cited as the "Limitation of Liability for Livestock Activities Act".

B. The Legislature of this state finds that persons who participate in livestock activities may incur injuries as a result of the risks involved in those activities. The Legislature also finds that the state and its citizens derive numerous economic and personal benefits from livestock activities. It is, therefore, the

intent of the Legislature of this state to encourage livestock activities by limiting the civil liability of livestock activities sponsors and livestock professionals involved in such activities.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 50.2 of Title 76, unless there is created a duplication in numbering, reads as follows:

As used in the Limitation of Liability for Livestock Activities Act:

1. "Engages in a livestock activity" includes riding, training, racing, other than racing by or through the horse racing industry as regulated by Title 3A of the Oklahoma Statutes, showing, leading, assisting in medical treatment of, or driving livestock, and any person assisting a participant or show management. The term "engages in a livestock activity" does not include being a spectator at a livestock activity, except in cases where the spectator places himself in an unauthorized area and in immediate proximity to the livestock activity;

2. "Livestock" and "animals" shall be deemed to include any meat cattel, horses, sheep, goats, asses, mules, swine, and chickens, turkeys and other domesticated fowl, and any animal, Ratite or Psittacine in captivity. For purposes of this act, dogs, cats and other household pets shall not be included in the definition of "livestock" and "animals";

3. "Livestock activity" means:

- a. livestock shows, fairs, competitions, performances, or parades that involve any or all breeds of livestock and any of the livestock disciplines, including, but not limited to, performance riding, rodeos, auctions, hunting, driving, pulling, judging, cutting, showing and steeple chasing,
- b. livestock training or teaching activities or both such training or teaching activities,

- c. boarding or pasturing livestock,
- d. inspecting or evaluating livestock belonging to another, whether or not the owner has received some monetary consideration or other thing of value for the use of the livestock or is permitting a prospective purchaser of the livestock to inspect or evaluate the livestock,
- e. drives, rides, trips, hunts or other livestock activities of any type however informal or impromptu that are sponsored by a livestock activity sponsor, and
- f. placing or replacing horseshoes on an equine, or otherwise preparing livestock for show;

4. "Livestock activity sponsor" means an individual, group, club, partnership or corporation, whether or not the sponsor is operating for profit or nonprofit, which sponsors, organizes, or provides the facilities for, a livestock activity, including but not limited to: livestock clubs, 4-H clubs, school and college-sponsored classes, programs and activities, therapeutic riding programs, and operators, instructors, and promoters of livestock facilities, including, but not limited to, barns, stables, clubhouses, ponyride strings, fairs and arenas at which the activity is held;

5. "Livestock professional" means a person engaged for compensation in:

- a. instructing a participant or renting to a participant livestock for the purpose of engaging in livestock activity, or
- b. renting equipment or tack to a participant;

6. "Inherent risks of livestock activities" means those dangers or conditions which are an integral part of livestock activities, including but not limited to:

- a. the propensity of a livestock to behave in ways that may result in injury, harm or death to persons on or around them,
- b. the unpredictability of livestock's reaction to such things as sounds, sudden movement and unfamiliar objects, persons or other animals,
- c. certain hazards such as surface and subsurface conditions,
- d. collisions with other livestock or objects, and
- e. the potential of a participant to act in a negligent manner that may contribute to injury to the participant or others, such as failing to maintain control over the animal or not acting within the ability of the participant; and

7. "Participant" means any person, whether amateur or professional, who engages in an livestock activity, whether or not a fee is paid to participate in the livestock activity.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 50.3 of Title 76, unless there is created a duplication in numbering, reads as follows:

A. 1. Except as provided in subsection B of this section, a livestock activity sponsor or a livestock professional shall not be liable for an injury to a participant engaged in livestock activities resulting from the inherent risks of livestock activities.

2. Except as provided in subsection B of this section, no participant or participant's representative shall make any claim against, maintain an action against, or recover from a livestock activity sponsor or a livestock professional for injury, loss or damage to the participant resulting from any of the inherent risks of livestock activities.

B. 1. The provisions of the Limitation of Liability for Livestock Activities Act shall not apply to the horse racing industry as regulated in Title 3A of the Oklahoma Statutes.

2. Nothing in subsection A of this section shall prevent or limit the liability of a livestock activity sponsor, or a livestock professional, if the livestock activity sponsor, or livestock professional:

- a. (1) provided the equipment or tack, and knew or should have known that the equipment or tack was faulty, and such equipment or tack was faulty to the extent that it did cause the injury, or
- (2) provided the livestock and failed to make reasonable and prudent efforts to determine the ability of the participant to engage safely in the livestock activity and determine the ability of the participant to safely manage the particular livestock based on the participant's representations of such participant's ability,
- b. owns, leases, rents, or otherwise is in lawful possession and control of the land or facilities upon which the participant sustained injuries because of a dangerous latent condition which was known to the livestock activity sponsor, or livestock professional, and for which warning signs have not been conspicuously posted,
- c. commits an act or omission that constitutes willful or wanton disregard for the safety of the participant, and that act or omission caused the injury, or
- d. intentionally injures the participant.

3. Nothing in subsection A of this section shall prevent or limit the liability of a livestock activity sponsor or a livestock professional:

- a. under liability provisions as set forth in the products liability laws, or
- b. for livestock activities which result in the death of a participant from the inherent risks of livestock activities.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 50.4 of Title 76, unless there is created a duplication in numbering, reads as follows:

A. Every livestock professional and livestock activity sponsor shall post and maintain signs which contain the warning notice specified in subsection B of this section. Such signs shall be placed in a clearly visible location on or near barns, stables, corrals or arenas where the livestock professional or livestock activity sponsor conducts livestock activities if such barns, stables, corrals or arenas are owned, managed or controlled by the livestock professional or livestock activity sponsor. The warning notice specified in subsection B of this section shall appear on the sign in black letters, with each letter to be a minimum of one (1) inch in height. Every written contract entered into by a livestock professional or livestock activity sponsor for the providing of professional services, instruction, or the rental of equipment or tack or livestock to a participant, whether or not the contract involves livestock activities on or off the location or site of the livestock activities professional's business, shall contain in clearly readable print the warning notice specified in subsection B of this section.

B. The signs and contracts described in subsection A of this section shall contain the following warning notice:

WARNING

Under Oklahoma Law, a livestock professional or livestock activities sponsor is not liable for an injury to or the death of a participant in livestock activities resulting

from the inherent risks of livestock activities, pursuant to the Limitation of Liability for Livestock Activities Act.

SECTION 5. This act shall become effective November 1, 1997.

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