

STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

2ND CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 1152

By: Pope (Clay), Pettigrew,
Beutler, Bonny, Braddock,
Covey, Dunegan, Ervin,
Hefner, Hiett, Langmacher,
Leist, Matlock, Nations,
Seikel, Sweeden, Turner and
Wells of the House

and

Henry, Littlefield, Dunlap,
Crutchfield, Muegge, Long,
Maddox, Laughlin and
Wilkerson of the Senate

2ND CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to torts; creating the Oklahoma
Livestock Activities Liability Limitation Act;
providing for findings; limiting scope of act;
defining terms; providing for limitation of liability
for certain persons; providing certain exceptions;
providing for construction of act; providing for
certain liability; providing exceptions to liability;
providing for release or limit of liability;
providing exception to release or limit of liability;
providing certain condition; providing for certain
waivers of liability; providing for validity;
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 "Oklahoma
Livestock Activities Liability Limitation Act".

B. 1. The Oklahoma Legislature recognizes that persons who
engage in livestock activities may incur injuries as a result of the
risks involved in such activities even in the absence of any fault

1 or negligence on the part of persons or entities who sponsor,
2 participate or organize those activities.

3 2. The Oklahoma Legislature finds that the state and its
4 citizens derive numerous economic and personal benefits from
5 livestock activities.

6 3. It is, therefore, the intent of the Oklahoma Legislature to
7 encourage livestock activities by limiting the civil liability of
8 livestock activities sponsors, participants and livestock
9 professionals involved in such activities.

10 C. The provisions of the Oklahoma Livestock Activities
11 Liability Limitation Act shall not be construed to conflict or amend
12 Sections 10 through 15.1 of Title 76 of the Oklahoma Statutes.

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

16 As used in the Oklahoma Livestock Activities Liability
17 Limitation Act:

18 1. "Engages in a livestock activity" includes training, racing,
19 showing, riding, or assisting in medical treatment of, or driving
20 livestock, and any person assisting a participant, livestock
21 activity sponsor or livestock professional. The term "engages in a
22 livestock activity" does not include being a spectator at a
23 livestock activity, except in cases where the spectator places
24 himself or herself in immediate proximity to livestock activity;

25 2. "Livestock" means any cattle, bison, hog, sheep, goat,
26 equine livestock, including but not limited to animals of the
27 families bovidae, cervidae and antilocapridae or birds of the ratite
28 group;

29 3. "Livestock activity" includes but is not limited to:

30 a. livestock shows, fairs, livestock sales, competitions,
31 performances, or parades that involve any or all
32 breeds of livestock and any of the livestock

1 disciplines, including, but not limited to, rodeos,
2 auctions, driving, pulling, judging, cutting and
3 showing,

4 b. livestock training or teaching activities or both such
5 training and teaching activities,

6 c. boarding or pasturing livestock,

7 d. inspecting or evaluating livestock belonging to
8 another, whether or not the owner has received some
9 monetary consideration or other thing of value for the
10 use of the livestock or is permitting a prospective
11 purchaser of the livestock to inspect or evaluate the
12 livestock,

13 e. drives, rides, trips, hunts or other livestock
14 activities of any type however informal or impromptu
15 that are sponsored by a livestock activity sponsor,
16 and

17 f. placing or replacing horseshoes on an equine, or
18 otherwise preparing livestock for show;

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

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

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

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

- 8 a. the propensity of livestock to behave in ways that may
9 result in injury to persons on or around them,
10 b. the unpredictability of livestock's reaction to such
11 things as sounds, sudden movement and unfamiliar
12 objects, persons or other animals,
13 c. certain hazards such as surface and subsurface
14 conditions unknown to the livestock activity sponsor,
15 d. collisions with other livestock or objects, and
16 e. the potential of tack to become dislodged or move in
17 ways that may result in injury to persons on or around
18 livestock activities; and

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

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

25 A. Except as provided in subsection B of this section, a
26 livestock activity sponsor, a participant or a livestock
27 professional acting in good faith and pursuant to the standards of
28 the livestock industry shall not be liable for injuries to any
29 person engaged in livestock activities when such injuries result
30 from the inherent risks of livestock activities.

31 B. 1. The provisions of the Oklahoma Livestock Activities
32 Liability Limitation Act shall not apply to employees of the sponsor

1 or livestock professional in the performance of their duties who are
2 covered by or subject to the provisions of the workers' compensation
3 laws of Title 85 of the Oklahoma Statutes.

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

8 a. commits an act or omission that constitutes willful or
9 wanton disregard for the safety of any person engaged
10 in livestock activities, and that act or omission
11 caused the injury,

12 b. intentionally injures a person engaged in livestock
13 activities,

14 c. provided the equipment or tack, which was faulty, and
15 such equipment or tack was faulty to the extent that
16 it did cause the injury. The provisions of this
17 subparagraph shall not apply to livestock activities
18 sponsored by youth organizations when youth
19 participants share equipment or tack between
20 themselves,

21 d. provided the livestock and failed to make a reasonable
22 effort to determine the ability of the participant to
23 manage the particular livestock based upon the
24 participant's representations of such participant's
25 ability. Provided, however, a participant in a
26 livestock show, livestock sale, or rodeo shall be
27 presumed to be competent in the handling of livestock
28 if an entry form is required for the activity and
29 signed by the participant, or

30 e. owns, leases, rents or otherwise is in lawful
31 possession and control of the land or facilities upon
32 which the participant sustained injuries because of a

1 dangerous condition which was known to the livestock
2 activity sponsor, livestock professional or person and
3 not made known to the participant.

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

7 a. under liability provisions as set forth in the
8 products liability laws, or

9 b. for livestock activities which result in the death of
10 any person engaged in livestock activities from the
11 inherent risks of livestock activities.

12 C. A sponsor shall not be held vicariously liable for the acts
13 or omission of a participant or a livestock professional.

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

17 Two or more persons may agree, in writing, to extend the waiver
18 of liability pursuant to the provisions of the Oklahoma Livestock
19 Activities Liability Limitation Act. Such waiver shall be valid and
20 binding by its terms.

21 SECTION 5. This act shall become effective November 1, 1999.

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