STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

SENATE BILL NO. 326 By: Milacek

AS INTRODUCED

An Act relating to torts; creating the Oklahoma Livestock Activities Liability Limitation Act and providing short title; stating findings and intent; defining terms; limiting liability of certain persons for injuries to certain participants in certain livestock activities; providing exceptions to limitation of liability; requiring posting of certain warning notice; 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 41.1 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. The Oklahoma Legislature recognizes that persons who participate in livestock activities may incur injuries as a result of the risks involved in such activities. The Oklahoma Legislature finds that the state and its citizens derive numerous economic and personal benefits from livestock activities. It is, therefore, the intent of the Oklahoma Legislature to encourage livestock activities by limiting the civil liability of sponsors of livestock activities 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 41.2 of Title 76, unless there is created a duplication in numbering, reads as follows:

As used in the Oklahoma Livestock Activities Liability Limitation Act:

1. "Engages in a livestock activity" includes training, racing, other than racing by or through the horse racing industry as regulated by Title 3A of the Oklahoma Statutes, showing, riding, 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 or herself in an unauthorized area and in immediate proximity to the livestock activity;

2. "Livestock" means cattle, bison, hogs, sheep, goats, equine, including animals of the families bovidae, cervidae, and antilocapridae or birds of the ratite group;

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, rodeos, auctions, driving, pulling, judging, cutting, and showing,

b. livestock 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. "Sponsor of livestock activity" means an individual, group, club, partnership, corporation, or limited liability company, whether or not the sponsor is operating for profit or not-for-profit, which sponsors, organizes, or provides the facilities for a livestock activity including, but not limited to: livestock clubs, 4-H clubs, FFA chapters, 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 an 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 a 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 livestock to behave in ways that may result in injury, harm, or death to persons on or around them,

b. the unpredictability of the reaction of livestock to such things as sounds, sudden movements, 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 for 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 a 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 41.3 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 sponsor of livestock activity 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 sponsor of livestock activity 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 Oklahoma Livestock Activities Liability Limitation 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 sponsor of livestock activity or a livestock professional, if the sponsor of livestock activity or livestock professional:

a. (1) provided the equipment or tack, and knew or should have known that the equipment or tack was faulty, and the equipment or tack provided is a proximate cause of 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 the 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 sponsor of livestock activity or livestock professional and for which warning signs were not conspicuously posted,

c. commits an act or omission which constitutes willful or wanton disregard for the safety of the participant and which act or omission was a proximate cause of the injury, or

d. intentionally injures the participant.

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

a. for product liability, 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 41.4 of Title 76, unless there is created a duplication in numbering, reads as follows:

A. Every sponsor of livestock activity and livestock professional shall post and maintain signs which contain the warning notice specified in subsection C of this section. The signs shall be placed in a clearly visible location on or near barns, stables, corrals, or arenas where the sponsor of livestock activity or

livestock professional conducts livestock activities if the barns, stables, corrals, or arenas are owned, managed, or controlled by the sponsor of livestock activity or livestock professional. The warning notice specified in subsection C of this section shall appear on the sign in black letters, with each letter to be a minimum of one (1) inch in height.

B. Every written contract entered into by a sponsor of livestock activity or a livestock professional for the provision of professional services, instruction, or the rental of equipment, tack, or livestock to a participant, whether or not the contract involves livestock activities on or off the location or site of the livestock activity professional's business, shall contain in clearly readable print the warning notice specified in subsection C of this section.

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

WARNING

Under Oklahoma Law, a sponsor of livestock activities or livestock professional is not liable for an injury to a participant in a livestock activity resulting from the inherent risks of the livestock activity, pursuant to the Oklahoma Livestock Activities Liability Limitation Act.

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

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