

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 COMMITTEE SUBSTITUTE  
4 FOR  
5 HOUSE BILL NO. 1378

By: Walker

6  
7 COMMITTEE SUBSTITUTE

8 An Act relating to torts; amending 76 O.S. 2001, Section 50.2, which relates to  
9 the Oklahoma Livestock Activities Liability Limitation Act; modifying  
10 definitions; and providing an effective date.

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

14 SECTION 1. AMENDATORY 76 O.S. 2001, Section 50.2, is amended to read as follows:

15 Section 50.2 As used in the Oklahoma Livestock Activities Liability Limitation Act:

16 1. "Engages in a livestock activity" includes training, racing, showing, riding, or assisting in  
17 medical treatment of, or driving livestock, or engaging in any agritourism activity involving livestock  
18 or on a location where livestock are displayed or raised, and any person assisting a participant,  
19 livestock activity sponsor or livestock professional. The term "engages in a livestock activity" does  
20 not include being a spectator at a livestock activity, except in cases where the spectator places himself  
21 or herself in immediate proximity to livestock activity;

22 2. "Agritourism activity" includes, but is not limited to, any activity carried out on a farm or  
23 ranch that allows members of the general public, for recreational, entertainment, or educational  
24 purposes, to view or enjoy rural activities, including farming, ranching, historic, cultural, harvest-your-

1 own activities, or natural activities and attractions. An activity is an agritourism activity whether or  
2 not the participant pays to participate in the activity;

3 3. “Livestock” means any cattle, bison, hog, sheep, goat, equine livestock, including but not  
4 limited to animals of the families bovidae, cervidae and antilocapridae or birds of the ratite group;

5 ~~3.~~ 4. “Livestock activity” includes but is not limited to:

- 6 a. livestock shows, fairs, livestock sales, competitions, performances, or parades that  
7 involve any or all breeds of livestock and any of the livestock disciplines,  
8 including, but not limited to, rodeos, auctions, driving, pulling, judging, cutting  
9 and showing,
- 10 b. livestock training or teaching activities or both such training and teaching  
11 activities,
- 12 c. boarding or pasturing livestock,
- 13 d. inspecting or evaluating livestock belonging to another, whether or not the owner  
14 has received some monetary consideration or other thing of value for the use of  
15 the livestock or is permitting a prospective purchaser of the livestock to inspect or  
16 evaluate the livestock,
- 17 e. drives, rides, trips, hunts or other livestock activities of any type however  
18 informal or impromptu that are sponsored by a livestock activity sponsor, ~~and~~
- 19 f. placing or replacing horseshoes on an equine, or otherwise preparing livestock for  
20 show, and
- 21 g. agritourism activities involving the viewing of, handling of, riding of, showing of,  
22 or other interactive activities with livestock;

1           4. 5. “Livestock activity sponsor” means an individual, group, club, partnership or corporation,  
2 whether or not the sponsor is operating for profit or nonprofit, which sponsors, organizes, or provides  
3 the facilities for, a livestock activity, including but not limited to: livestock clubs, 4-H clubs, FFA  
4 chapters, school and college-sponsored classes, programs and activities, therapeutic riding programs,  
5 and operators, instructors, and promoters of livestock facilities, including, but not limited to, barns,  
6 stables, clubhouses, ponyride strings, fairs and arenas at which the activity is held;

7           ~~5.~~ 6. “Livestock professional” means a person engaged for compensation in:

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

11           ~~6.~~ 7. “Inherent risks of livestock activities” means those dangers or conditions which are an  
12 integral part of livestock activities, including but not limited to:

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

22           ~~7.~~ 8. “Participant” means any person, whether amateur or professional, who engages in a  
23 livestock activity, whether or not a fee is paid to participate in the livestock activity.  
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SECTION 2. This act shall become effective November 1, 2009.

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