

THE HOUSE OF REPRESENTATIVES  
Tuesday, February 24, 2009

Committee Substitute for  
House Bill No. 1378

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1378 - By: WALKER AND  
MCMULLEN of the House.

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

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

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

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

4 1. "Engages in a livestock activity" includes training, racing, showing, riding, or  
5 assisting in medical treatment of, or driving livestock, or engaging in any agritourism  
6 activity involving livestock or on a location where livestock are displayed or raised, and  
7 any person assisting a participant, livestock activity sponsor or livestock professional.

8 The term "engages in a livestock activity" does not include being a spectator at a  
9 livestock activity, except in cases where the spectator places himself or herself in  
10 immediate proximity to livestock activity;

11 2. "Agritourism activity" includes, but is not limited to, any activity carried out on a  
12 farm or ranch that allows members of the general public, for recreational, entertainment,

1 or educational purposes, to view or enjoy rural activities, including farming, ranching,  
2 historic, cultural, harvest-your-own activities, or natural activities and attractions. An  
3 activity is an agritourism activity whether or not the participant pays to participate in  
4 the activity;

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

8 ~~3.~~ 4. “Livestock activity” includes but is not limited to:

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

- 1 f. placing or replacing horseshoes on an equine, or otherwise preparing  
2 livestock for show, and  
3 g. agritourism activities involving the viewing of, handling of, riding of,  
4 showing of, or other interactive activities with livestock;

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

12 ~~5.~~ 6. “Livestock professional” means a person engaged for compensation in:  
13 a. instructing a participant or renting to a participant livestock for the  
14 purpose of engaging in livestock activity, or  
15 b. renting equipment or tack to a participant;

16 ~~6.~~ 7. “Inherent risks of livestock activities” means those dangers or conditions  
17 which are an integral part of livestock activities, including but not limited to:  
18 a. the propensity of livestock to behave in ways that may result in injury  
19 to persons on or around them,  
20 b. the unpredictability of livestock's reaction to such things as sounds,  
21 sudden movement and unfamiliar objects, persons or other animals,

- 1 c. certain hazards such as surface and subsurface conditions unknown to  
2 the livestock activity sponsor,  
3 d. collisions with other livestock or objects, and  
4 e. the potential of tack to become dislodged or move in ways that may  
5 result in injury to persons on or around livestock activities; and

6 ~~7. 8.~~ "Participant" means any person, whether amateur or professional, who  
7 engages in a livestock activity, whether or not a fee is paid to participate in the livestock  
8 activity.

9 SECTION 2. This act shall become effective November 1, 2009.

10 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE AND RURAL  
11 DEVELOPMENT, dated 02-23-09 - DO PASS, As Amended and Coauthored.