

1 (1ST EXTRAORDINARY SESSION)
2 ENGROSSED HOUSE
3 BILL NO. 1008

By: Shannon, Stiles, Wright,
Ritze and Cockroft of the
House

4 and

5 Bingman, Sykes, Jolley and
6 Shortey of the Senate

7
8
9 An Act relating to the Oklahoma Livestock Activities
10 Liability Limitation Act; repealing Section 47,
11 Chapter 228, O.S.L. 2009, which relates to
12 definitions; amending 76 O.S. 2011, Section 50.2,
13 which relates to definitions; modifying definitions;
14 amending 76 O.S. 2011, Section 50.2, as amended by
15 Section 2 of this act, which relates to definitions;
16 modifying definitions; providing for construction of
17 act; providing for noncodification; and declaring an
18 emergency.

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

20 SECTION 1. REPEALER Section 47, Chapter 228, O.S.L.
21 2009, is hereby repealed.

22 SECTION 2. AMENDATORY 76 O.S. 2011, Section 50.2, is
23 amended to read as follows:

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

1 1. "Engages in a livestock activity" includes training, racing,
2 showing, riding, or assisting in medical treatment of, or driving
3 livestock, ~~or engaging in any agritourism activity involving~~
4 ~~livestock or on a location where livestock are displayed or raised,~~
5 and any person assisting a participant, livestock activity sponsor
6 or livestock professional. The term "engages in a livestock
7 activity" does not include being a spectator at a livestock
8 activity, except in cases where the spectator places himself or
9 herself in immediate proximity to livestock activity;

10 2. ~~"Agritourism activity" includes, but is not limited to, any~~
11 ~~activity carried out on a farm or ranch that allows members of the~~
12 ~~general public, for recreational, entertainment, or educational~~
13 ~~purposes, to view or enjoy rural activities, including farming,~~
14 ~~ranching, historic, cultural, harvest-your-own activities, or~~
15 ~~natural activities and attractions. An activity is an agritourism~~
16 ~~activity whether or not the participant pays to participate in the~~
17 ~~activity;~~

18 3. "Livestock" means any cattle, bison, hog, sheep, goat,
19 equine livestock, including but not limited to animals of the
20 families bovidae, cervidae and antilocapridae or birds of the ratite
21 group;

22 4. 3. "Livestock activity" includes but is not limited to:

23 a. livestock shows, fairs, livestock sales, competitions,
24 performances, or parades that involve any or all

1 breeds of livestock and any of the livestock
2 disciplines, including, but not limited to, rodeos,
3 auctions, driving, pulling, judging, cutting and
4 showing,

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

7 c. boarding or pasturing livestock,

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

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

18 f. placing or replacing horseshoes on an equine, or
19 otherwise preparing livestock for show, ~~and~~

20 ~~g. agritourism activities involving the viewing of,~~
21 ~~handling of, riding of, showing of, or other~~
22 ~~interactive activities with livestock;~~

23 ~~5.~~ 4. "Livestock activity sponsor" means an individual, group,
24 club, partnership or corporation, whether or not the sponsor is

1 operating for profit or nonprofit, which sponsors, organizes, or
2 provides the facilities for, a livestock activity, including but not
3 limited to: livestock clubs, 4-H clubs, FFA chapters, school and
4 college-sponsored classes, programs and activities, therapeutic
5 riding programs, and operators, instructors, and promoters of
6 livestock facilities, including, but not limited to, barns, stables,
7 clubhouses, ponyride strings, fairs and arenas at which the activity
8 is held;

9 ~~6.~~ 5. "Livestock professional" means a person engaged for
10 compensation in:

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

15 ~~7.~~ 6. "Inherent risks of livestock activities" means those
16 dangers or conditions which are an integral part of livestock
17 activities, including but not limited to:

- 18 a. the propensity of livestock to behave in ways that may
19 result in injury to persons on or around them,
- 20 b. the unpredictability of livestock's reaction to such
21 things as sounds, sudden movement and unfamiliar
22 objects, persons or other animals,
- 23 c. certain hazards such as surface and subsurface
24 conditions unknown to the livestock activity sponsor,

- 1 d. collisions with other livestock or objects, and
2 e. the potential of tack to become dislodged or move in
3 ways that may result in injury to persons on or around
4 livestock activities; and

5 ~~8.~~ 7. "Participant" means any person, whether amateur or
6 professional, who engages in a livestock activity, whether or not a
7 fee is paid to participate in the livestock activity.

8 SECTION 3. AMENDATORY 76 O.S. 2011, Section 50.2, as
9 amended by Section 2 of this act, is amended to read as follows:

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

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

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

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

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

9 ~~3.~~ 4. "Livestock activity" includes but is not limited to:

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

- 1 e. drives, rides, trips, hunts or other livestock
2 activities of any type however informal or impromptu
3 that are sponsored by a livestock activity sponsor,
4 and
- 5 f. placing or replacing horseshoes on an equine, or
6 otherwise preparing livestock for show, and
- 7 g. agritourism activities involving the viewing of,
8 handling of, riding of, showing of, or other
9 interactive activities with livestock;

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

20 ~~5.~~ 6. "Livestock professional" means a person engaged for
21 compensation in:

- 22 a. instructing a participant or renting to a participant
23 livestock for the purpose of engaging in livestock
24 activity, or

1 b. renting equipment or tack to a participant;

2 ~~6.~~ 7. "Inherent risks of livestock activities" means those
3 dangers or conditions which are an integral part of livestock
4 activities, including but not limited to:

5 a. the propensity of livestock to behave in ways that may
6 result in injury to persons on or around them,

7 b. the unpredictability of livestock's reaction to such
8 things as sounds, sudden movement and unfamiliar
9 objects, persons or other animals,

10 c. certain hazards such as surface and subsurface
11 conditions unknown to the livestock activity sponsor,

12 d. collisions with other livestock or objects, and

13 e. the potential of tack to become dislodged or move in
14 ways that may result in injury to persons on or around
15 livestock activities; and

16 ~~7.~~ 8. "Participant" means any person, whether amateur or
17 professional, who engages in a livestock activity, whether or not a
18 fee is paid to participate in the livestock activity.

19 SECTION 4. NEW LAW A new section of law not to be
20 codified in the Oklahoma Statutes reads as follows:

21 The amendatory provisions contained in Section 2 of this act
22 conform the statute to the holding in *Douglas v. Cox Retirement*
23 *Properties, Inc.*, 2013 OK 37, 302 P.2d 789 (Okla. 2013). The
24 amendatory provisions contained in Section 3 of this act conform the

