

Oklahoma State Equine Statute

ENROLLED HOUSE

BILL NO. 1152 By: Pope (Clay), Pettigrew, Beutler, Bonny, Braddock, Covey, Dunegan, Ervin, Hefner, Hiatt, Langmacher, Leist, Matlock, Nations, Seikel, Sweeden, Turner, Wells, Corn, Erwin, Hutchison, Mitchell, Ostrander, Phillips, Piatt and Stanley of the House and Henry, Littlefield, Dunlap, Crutchfield, Muegge, Long, Maddox, Laughlin, Wilkerson and Kerr of the Senate _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 . 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 or negligence on the part of persons or entities who sponsor, participate or organize those activities.
2. The Oklahoma Legislature finds that the state and its citizens derive numerous economic and personal benefits from livestock activities.
3. It is, therefore, the intent of the Oklahoma Legislature to encourage livestock activities by limiting the civil liability of livestock activities sponsors, participants and livestock professionals involved in such activities.
- C. The provisions of the Oklahoma Livestock Activities Liability Limitation Act shall not be construed to conflict or amend Sections 10 through 15.1 of Title 76 of the Oklahoma Statutes.

SECTION . NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 50.2 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, showing, riding, or assisting in medical treatment of, or driving livestock, and any person assisting a participant, livestock activity sponsor or livestock professional. 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 immediate proximity to livestock activity;
2. "Livestock" means any cattle, bison, hog, sheep, goat, equine livestock, including but not limited to animals of the families bovidae, cervidae and antilocapridae or birds of the ratite group;
3. "Livestock activity" includes but is not limited to:
 - a. livestock shows, fairs, livestock sales, 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 or both such training and 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. "Livestock activity sponsor" means an individual, group, club, partnership or corporation, whether or not the sponsor is operating for profit or nonprofit, 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 the 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 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 to persons on or around them,
 - b. the unpredictability of livestock's reaction to such things as sounds, sudden movement and unfamiliar objects, persons or other animals,
 - c. certain hazards such as surface and subsurface conditions unknown to the livestock activity sponsor,
 - d. collisions with other livestock or objects, and
 - e. the potential of tack to become dislodged or move in ways that may result in injury to persons on or around livestock activities; 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 . NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 50.3 of Title 76, unless there is created a duplication in numbering, reads as follows:

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

B. 1. The provisions of the Oklahoma Livestock Activities Liability Limitation Act shall not apply to employees of the sponsor or livestock professional in the performance of their duties who are covered by or subject to the provisions of the workers' compensation laws of Title 85 of the Oklahoma Statutes.

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

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

b. intentionally injures a person engaged in livestock activities,

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

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

e. 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 condition which was known to the livestock activity sponsor, livestock professional or person and not made known to the participant.

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

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

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

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

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

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

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

Passed the House of Representatives the 26th day of May, 1999.

Speaker of the House of Representatives

Passed the Senate the 27th day of May, 1999.

President of the Senate