

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

A Bill

HOUSE BILL 1413

5 By: Representative Ratliff
6 By: Senator D. Wyatt
7

For An Act To Be Entitled

9 AN ACT TO REGULATE THE LIABILITY OF LIVESTOCK OWNERS,
10 LIVESTOCK ACTIVITY SPONSORS, LIVESTOCK FACILITIES,
11 AND LIVESTOCK AUCTION MARKETS WITH RESPECT TO
12 LIVESTOCK ACTIVITIES; TO PROVIDE IMMUNITY FOR CERTAIN
13 PERSONS RELATING TO LIVESTOCK ACTIVITIES; TO MAKE
14 TECHNICAL CORRECTIONS; AND FOR OTHER PURPOSES.
15

Subtitle

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17
18 TO REGULATE THE LIABILITY OF LIVESTOCK
19 OWNERS, LIVESTOCK ACTIVITY SPONSORS,
20 LIVESTOCK FACILITIES, AND LIVESTOCK
21 AUCTION MARKETS WITH RESPECT TO LIVESTOCK
22 ACTIVITIES.
23

24
25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
26

27 SECTION 1. Arkansas Code Title 16, Chapter 120, Subchapter 2 is
28 amended to read as follows:

29 Subchapter 2 – Equine and Livestock Activities
30

31 16-120-201. Definitions.

32 As used in this subchapter, unless the context otherwise requires:

33 (1) “Equine” means a horse, pony, mule, donkey, or hinny;

34 (2) “Equine activity” means:

35 (A) Equine shows, fairs, competitions, performances, or
36 parades that involve any or all breeds of equines and any of the equine



1 disciplines, including, ~~but not limited to,~~ without limitation dressage,
 2 hunter and jumper horse shows, grand prix jumping, three-day events, combined
 3 training, rodeos, pulling, cutting, polo, steeplechasing, endurance trail
 4 riding and western games, and hunting;

5 (B) Equine training and teaching activities;

6 (C) Boarding equines;

7 (D) Riding, inspecting, or evaluating an equine belonging
 8 to another, ~~whether or not the~~ person regardless of whether the owner ~~has~~
 9 ~~received some~~ receives monetary consideration or other thing of value for the
 10 use of the equine or is permitting a prospective purchaser of the equine to
 11 ride, inspect, or evaluate the equine; and

12 (E) Rides, hunts, or other equine activities ~~of any type,~~
 13 however informal or impromptu;

14 (3) "Equine activity sponsor" means an individual, ~~group, club,~~
 15 ~~partnership, or corporation, whether nonprofit or operating for profit, which~~
 16 or legal entity that sponsors, organizes, or provides facilities for an
 17 equine activity; ~~and~~

18 (4) "Livestock" means swine, bovine, sheep, and goats;

19 (5) "Livestock activity" means the following:

20 (A) Grazing, herding, feeding, branding, milking, or other
 21 activity that involves the care or maintenance of livestock;

22 (B) A livestock show, fair, competition, or auction;

23 (C) A livestock training or teaching activity;

24 (D) Boarding livestock; and

25 (E) Inspecting or evaluating livestock;

26 (6) "Livestock facility" means a property or facility at which a
 27 livestock activity is held;

28 (7) "Livestock owner" means a person who owns livestock that is
 29 involved in a livestock activity;

30 (8) "Livestock sponsor" means an individual or legal entity that
 31 sponsors, organizes, or provides facilities for a livestock activity; and

32 ~~(9)~~ (9) "Participant" means any a person, whether amateur or
 33 professional, who engages in an equine activity or a livestock activity,
 34 ~~whether or not~~ regardless of whether a fee is paid to participate in the
 35 equine activity or livestock activity.

1 16-120-202. Liability.

2 (a)(1) Except as provided in subdivision (a)(2) of this section, an
 3 equine activity sponsor ~~or~~, an employee of an equine activity sponsor ~~shall~~
 4 ~~not be, a livestock sponsor, an employee of a livestock sponsor, a livestock~~
 5 ~~owner, a livestock facility, or a livestock auction market is not~~ liable for
 6 an injury to or the death of a participant resulting from the inherent risks
 7 of an equine activities activity or a livestock activity.

8 (2) ~~Nothing in subdivision~~ Subdivision (a)(1) of this section
 9 ~~shall~~ does not prevent or limit the liability of an equine activity sponsor
 10 ~~or~~, an employee of an equine activity sponsor ~~who~~, a livestock sponsor, an
 11 employee of a livestock sponsor, a livestock owner, a livestock facility, or
 12 a livestock auction market that:

13 (A) ~~(i) Provided~~ Provides the equipment or tack and ~~knew or~~
 14 ~~should have known~~ knows or should know that the equipment or tack ~~was~~ is
 15 ~~faulty, and that such equipment or tack was faulty to the extent that it did~~
 16 ~~cause~~ the equipment or tack caused injury;

17 ~~(ii) (B) Provided the equine animal~~ With respect to an
 18 equine activity sponsor, an employee of a equine activity sponsor, a
 19 livestock activity sponsor, or an employee of a livestock activity sponsor,
 20 provides the equine or livestock and failed fails to make reasonable and
 21 prudent efforts to determine the ability of ~~the~~ a participant to engage
 22 safely in ~~the equine~~ an equine activity or a livestock activity or to
 23 determine the ability of ~~the~~ a participant to engage safely in ~~the equine~~ an
 24 equine activity or a livestock activity and to safely manage the particular
 25 equine or livestock based on the participant's representation of his or her
 26 ability;

27 ~~(B) (C) Owned, leased, rented~~ Owns, leases, rents, or
 28 otherwise ~~was~~ is in lawful possession and control of the ~~land or facilities~~
 29 facility upon which ~~the~~ a participant ~~sustained~~ sustains an injury because of
 30 a dangerous latent condition ~~which was~~ that is known or should have been
 31 known to the equine activity sponsor ~~or to~~, an employee of the equine
 32 activity sponsor, the livestock activity sponsor, an employee of the
 33 livestock activity sponsor, the livestock facility, or the livestock auction
 34 market and for which warning signs had not been conspicuously posted;

35 ~~(C) (D) Committed~~ Commits an act or omission that
 36 ~~constituted;~~

1 (i) Constitutes willful or wanton disregard for the
 2 safety of ~~the~~ a participant; ~~and that act or omission caused the~~

3 (ii) Causes an injury; or

4 ~~(D)~~ (E) Intentionally injured the injures a participant.

5 (3) ~~Nothing in subdivision~~ Subdivision (a)(1) of this section
 6 ~~shall~~ does not prevent or limit the liability of an equine activity sponsor
 7 ~~or, an employee thereof~~ of an equine activity sponsor, a livestock activity
 8 sponsor, an employee of a livestock activity sponsor, a livestock owner, a
 9 livestock facility, or a livestock auction market under ~~liability provisions~~
 10 ~~as set forth in~~ products liability laws.

11 (b)(1)(A) Every An equine activity sponsor or a livestock activity
 12 sponsor shall post and maintain signs ~~which~~ that contain the warning notice
 13 specified in subdivision (b)(2) of this section.

14 (B) Such The signs required under subdivision (b)(1)(A) of
 15 this section shall be placed in a clearly visible location on or near
 16 stables, corrals, or arenas where the equine activity sponsor or livestock
 17 activity sponsor conducts equine or livestock activities.

18 (C) The warning notice specified in subdivision (b)(2) of
 19 this section shall appear on the sign in black letters, with each letter to
 20 be a minimum of one inch (1") in height.

21 (2) The signs described in subdivision (b)(1) of this section
 22 shall contain the following warning notice:

23 WARNING

24 Under Arkansas law, an equine activity sponsor ~~is,~~ livestock activity
 25 sponsor, livestock owner, livestock facility, and livestock auction market
 26 are not liable for an injury to, or the death of, a participant in equine
 27 activities or livestock activities resulting from the inherent risk of equine
 28 activities or livestock activities.

29 (c) ~~Provided, the~~ The immunity provided ~~for in~~ under this section ~~is~~
 30 ~~not applicable with respect~~ does not apply to thoroughbred horse racing as
 31 authorized and regulated in the Arkansas Horse Racing Law, § 23-110-101 et
 32 seq.