

State of Arkansas
89th General Assembly
Regular Session, 2013

A Bill

HOUSE BILL 1413

By: Representative Ratliff

By: Senator D. Wyatt

For An Act To Be Entitled

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

Subtitle

TO REGULATE THE LIABILITY OF LIVESTOCK
OWNERS, LIVESTOCK ACTIVITY SPONSORS,
LIVESTOCK FACILITIES, AND LIVESTOCK
AUCTION MARKETS WITH RESPECT TO LIVESTOCK
ACTIVITIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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

Subchapter 2 – Equine and Livestock Activities

16-120-201. Definitions.

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

- (1) “Equine” means a horse, pony, mule, donkey, or hinny;
- (2) “Equine activity” means:

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



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

(B) Equine training and teaching activities;

(C) Boarding equines;

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

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

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

(4) “Livestock” means swine, bovine, sheep, and goats;

(5) “Livestock activity” means the following:

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

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

(C) A livestock training or teaching activity;

(D) Boarding livestock; and

(E) Inspecting or evaluating livestock;

(6) “Livestock facility” means a property or facility at which a livestock activity is held;

(7) “Livestock owner” means a person who owns livestock that is involved in a livestock activity;

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

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

16-120-202. Liability.

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

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

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

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

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

~~(C)~~ (D) ~~Committed~~ Commits an act or omission that constituted:

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

(ii) Causes an injury; or

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

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

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

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

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

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

WARNING

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

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