

House Bill 239

By: Representatives Quick of the 117th, McCall of the 33rd, Willard of the 51st, England of the 116th, Rutledge of the 109th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 4 of the Official Code of Georgia Annotated, relating to animals, so as to
2 provide for liability protection for certain activities related to livestock; to provide for
3 limitations; to provide for related matters; to provide for an effective date and applicability;
4 to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Title 4 of the Official Code of Georgia Annotated, relating to animals, is amended by
8 revising Chapter 12, relating to injuries from equine or llama activities, as follows:

9 style="text-align:center">"CHAPTER 12

10 4-12-1.

11 The General Assembly recognizes that persons who participate in equine activities,
12 livestock activities, or llama activities may incur injuries as a result of the risks involved
13 in such activities. The General Assembly also finds that the state and its citizens derive
14 numerous economic and personal benefits from such activities. The General Assembly
15 finds, determines, and declares that this chapter is necessary for the immediate preservation
16 of the public peace, health, and safety. It is, therefore, the intent of the General Assembly
17 to encourage equine activities, livestock activities, and llama activities by limiting the civil
18 liability of those involved in such activities.

19 4-12-2.

20 As used in this chapter, the term:

21 (1) 'Engages in a llama activity' means riding, training, assisting in providing medical
22 treatment of, driving, or being a passenger upon a llama, whether mounted or unmounted,
23 or any person assisting a participant or show management. The term 'engages in a llama

24 activity' does not include being a spectator at a llama activity, except in cases where the
 25 spectator places himself or herself in an unauthorized area and in immediate proximity
 26 to the llama activity.

27 (2) 'Engages in an equine activity' means riding, training, assisting in providing medical
 28 treatment of, driving, or being a passenger upon an equine, whether mounted or
 29 unmounted, or any person assisting a participant or show management. The term
 30 'engages in an equine activity' does not include being a spectator at an equine activity,
 31 except in cases where the spectator places himself or herself in an unauthorized area and
 32 in immediate proximity to the equine activity.

33 (3) 'Equine' means a horse, pony, mule, donkey, or hinny.

34 (4) 'Equine activity' means:

35 (A) Equine shows, fairs, competitions, performances, or parades that involve any or
 36 all breeds of equines and any of the equine disciplines, including, but not limited to,
 37 dressage, hunter and jumper horse shows, grand prix jumping, three-day events,
 38 combined training, rodeos, driving, pulling, cutting, polo, steeplechasing, English and
 39 western performance riding, endurance trail riding and western games, and hunting;

40 (B) Equine training or teaching activities, or both;

41 (C) Boarding equines;

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

46 (E) Rides, trips, hunts, or other equine activities of any type however informal or
 47 impromptu that are sponsored by an equine activity sponsor;

48 (F) Placing or replacing horseshoes on an equine; and

49 (G) Examining or administering medical treatment to an equine by a veterinarian.

50 (5) 'Equine activity sponsor' means an entity ~~individual, group, club, partnership, or~~
 51 ~~corporation, whether or not the sponsor is operating for profit or nonprofit~~, which
 52 sponsors, organizes, or provides the facilities for an equine activity, including, but not
 53 limited to, pony clubs; 4-H clubs; hunt clubs; riding clubs; school and college sponsored
 54 classes, programs, and activities; therapeutic riding programs; and operators, instructors,
 55 and promoters of equine facilities, including, but not limited to, stables, clubhouses,
 56 ponyride strings, fairs, and arenas at which the activity is held.

57 (6) 'Equine professional' means ~~a person~~ an entity engaged for compensation in:

58 (A) Instructing a participant or renting to a participant an equine for the purpose of
 59 riding, driving, or being a passenger upon the equine;

60 (B) Renting equipment or tack to a participant; or

61 (C) Examining or administering medical treatment to an equine as a veterinarian.

62 (7) 'Inherent risks of equine animal activities' or ~~'inherent risks of llama activities'~~ means
63 those dangers or conditions which are an integral part of equine activities, livestock
64 activities, or llama activities, as the case may be, including, but not limited to:

65 (A) The propensity of the animal to behave in ways that may result in injury, harm, or
66 death to persons on or around them;

67 (B) The unpredictability of the animal's reaction to such things as sounds, sudden
68 movement, and unfamiliar objects, persons, or other animals;

69 (C) Certain hazards such as surface and subsurface conditions;

70 (D) Collisions with other animals or objects; and

71 (E) The potential of a participant to act in a negligent manner that may contribute to
72 injury to the participant or others, such as failing to maintain control over the animal
73 or not acting within his or her ability.

74 (7.1) 'Livestock' means swine, cattle, sheep, and goats.

75 (7.2) 'Livestock activity' means:

76 (A) Grazing, herding, feeding, branding, boarding, milking, inspecting, or evaluating
77 livestock, or taking part in any other activity that involves the care or maintenance of
78 livestock;

79 (B) Participating in a livestock show, fair, competition, or auction; or

80 (C) Participating in a livestock training or teaching event.

81 (7.3) 'Livestock activity sponsor' means an entity that sponsors, organizes, or provides
82 facilities for a livestock activity, and includes all employees of such entity.

83 (7.4) 'Livestock facility' means a property or facility at which a livestock activity is held.

84 (7.5) 'Livestock professional' means an entity that owns livestock that is involved in a
85 livestock activity.

86 (8) 'Llama' means a South American camelid which is an animal of the genus lama,
87 commonly referred to as a 'one llama,' including llamas, alpacas, guanacos, and vicunas.

88 (9) 'Llama activity' means:

89 (A) Llama shows, fairs, competitions, performances, packing events, or parades that
90 involve any or all breeds of llamas;

91 (B) Using llamas to pull carts or to carry packs or other items;

92 (C) Using llamas to pull travois-type carriers during rescue or emergency situations;

93 (D) Llama training or teaching activities or both;

94 (E) Taking llamas on public relations trips or visits to schools or nursing homes;

95 (F) Participating in commercial packing trips in which participants pay a llama
96 professional to be a guide on a hike leading llamas;

97 (G) Boarding llamas;

98 (H) Riding, inspecting, or evaluating a llama belonging to another, whether or not the
 99 owner has received some monetary consideration or other thing of value for the use of
 100 the llama or is permitting a prospective purchaser of the llama to ride, inspect, or
 101 evaluate the llama;

102 (I) Using llamas in wool production;

103 (J) Rides, trips, or other llama activities of any type however informal or impromptu
 104 that are sponsored by a llama activity sponsor; and

105 (K) Trimming the nails of a llama.

106 (10) 'Llama activity sponsor' means an entity ~~individual, group, club, partnership, or~~
 107 ~~corporation, whether or not the sponsor is operating for profit or nonprofit,~~ which
 108 sponsors, organizes, or provides the facilities for a llama activity, including but not
 109 limited to llama clubs; 4-H clubs; hunt clubs; riding clubs; school and college-sponsored
 110 classes, programs, and activities; therapeutic riding programs; and operators, instructors,
 111 and promoters of llama facilities, including but not limited to stables, clubhouses, fairs,
 112 and arenas at which the activity is held.

113 (11) 'Llama professional' means ~~a person~~ an entity engaged for compensation:

114 (A) In instructing a participant or renting to a participant a llama for the purpose of
 115 riding, driving, or being a passenger upon the llama; or

116 (B) In renting equipment or tack to a participant.

117 (12) 'Participant' means any person, whether amateur or professional, who engages in an
 118 equine activity, a livestock activity, ~~or who engages in~~ a llama activity, whether or not
 119 a fee is paid to participate in such activity.

120 4-12-3.

121 (a) Except as provided in subsection (b) of this Code section, an equine activity sponsor,
 122 an equine professional, a livestock activity sponsor, a livestock professional, an owner of
 123 a livestock facility, a llama activity sponsor, a llama professional, or any other person,
 124 which shall include a corporation or partnership, shall not be liable for an injury to or the
 125 death of a participant resulting from the inherent risks of equine animal activities ~~or from~~
 126 ~~the inherent risks of llama activities~~ and, except as provided in subsection (b) of this Code
 127 section, no participant or participant's representative shall make any claim against, maintain
 128 an action against, or recover from an equine activity sponsor, an equine professional, a
 129 livestock activity sponsor, a livestock professional, an owner of a livestock facility, a llama
 130 activity sponsor, a llama professional, or any other person for injury, loss, damage, or death
 131 of the participant resulting from any of the inherent risks of equine animal activities ~~or~~
 132 ~~resulting from any of the inherent risks of llama activities~~.

133 (b) Nothing in subsection (a) of this Code section shall prevent or limit the liability of an
 134 equine activity sponsor, an equine professional, a livestock activity sponsor, a livestock
 135 professional, an owner of a livestock facility, a llama activity sponsor, a llama professional,
 136 or any other person if the equine activity sponsor, equine professional, livestock activity
 137 sponsor, livestock professional, owner of the livestock facility, llama activity sponsor,
 138 llama professional, or person:

139 (1)(A) Provided ~~the~~ equipment or tack for the activity, and knew or should have known
 140 that the equipment or tack was faulty, and such equipment or tack was faulty to the
 141 extent that it ~~did cause~~ caused the injury.

142 (B) Provided the animal and failed to make reasonable and prudent efforts to determine
 143 the ability of the participant to engage safely in the ~~equine activity or llama~~ activity and
 144 to safely manage the particular animal based on the participant's representations of his
 145 or her ability;

146 (2) Owns, leases, rents, or otherwise is in lawful possession and control of the land or
 147 facilities upon which the participant sustained injuries because of a dangerous latent
 148 condition which was known or should have been known to the equine activity sponsor,
 149 equine professional, livestock activity sponsor, livestock professional, owner of a
 150 livestock facility, llama activity sponsor, llama professional, or person and for which
 151 warning signs have not been conspicuously posted;

152 (3) Commits an act or omission that constitutes willful or wanton disregard for the safety
 153 of the participant, and that act or omission caused the injury; or

154 (4) Intentionally injures the participant.

155 (c) Nothing in subsection (a) of this Code section shall prevent or limit the liability of an
 156 equine activity sponsor, equine professional, a livestock activity sponsor, a livestock
 157 professional, an owner of a livestock facility, llama activity sponsor, or llama professional
 158 under liability provisions as set forth in the products liability laws.

159 4-12-4.

160 (a) Every equine professional and every equine activity sponsor shall post and maintain
 161 signs which contain the warning notice specified in subsection (b) of this Code section.
 162 Such signs shall be placed in a clearly visible location on or near stables, corrals, or arenas
 163 where the equine professional or the equine activity sponsor conducts equine activities.
 164 The warning notice specified in subsection (b) of this Code section shall appear on the sign
 165 in black letters, with each letter to be a minimum of one inch in height. Every written
 166 contract entered into by an equine professional or by an equine activity sponsor for the
 167 providing of professional services, instruction, or the rental of equipment or tack or an
 168 equine to a participant, whether or not the contract involves equine activities on ~~or off~~ the

169 location or site of the equine professional's or the equine activity sponsor's business, shall
 170 contain in clearly readable print the warning notice specified in subsection (b) of this Code
 171 section.

172 (b) The signs and contracts described in subsection (a) of this Code section shall contain
 173 language substantially similar to the following warning notice:

174 **WARNING**

175 Under Georgia law, an equine activity sponsor or equine professional is not liable for an
 176 injury to or the death of a participant in equine activities resulting from the inherent risks
 177 of ~~equine~~ animal activities, pursuant to Chapter 12 of Title 4 of the Official Code of
 178 Georgia Annotated.

179 (c) Failure to comply with the requirements concerning warning signs and notices
 180 provided in this Code section shall prevent an equine activity sponsor or equine
 181 professional from invoking the privileges of immunity provided by this chapter.

182 4-12-5.

183 (a) Every llama professional and every llama activity sponsor shall post and maintain signs
 184 which contain the warning notice specified in subsection (b) of this Code section. Such
 185 signs shall be placed in a clearly visible location on or near stables, corrals, pens, or arenas
 186 where the llama professional or the llama activity sponsor conducts llama activities. The
 187 warning notice specified in subsection (b) of this Code section shall appear on the sign in
 188 black letters, with each letter to be a minimum of one inch in height. Every written
 189 contract entered into by a llama professional or by a llama activity sponsor for the
 190 providing of professional services, instruction, or the rental of equipment or tack or a llama
 191 to a participant, whether or not the contract involves llama activities on ~~or~~ off the location
 192 or site of the llama professional's or the llama activity sponsor's business, shall contain in
 193 clearly readable print the warning notice specified in subsection (b) of this Code section.

194 (b) The signs and contracts described in subsection (a) of this Code section shall contain
 195 language substantially similar to the following warning notice:

196 **WARNING**

197 Under Georgia law, a llama activity sponsor or llama professional is not liable for an
 198 injury to or the death of a participant in llama activities resulting from the inherent risks
 199 of ~~Hama~~ animal activities, pursuant to Chapter 12 of Title 4 of the Official Code of
 200 Georgia Annotated.

201 (c) Failure to comply with the requirements concerning warning signs and notices
 202 provided in this Code section shall prevent a llama activity sponsor or llama professional
 203 from invoking the privileges of immunity provided by this chapter.

204 4-12-6.

205 (a) Every livestock activity sponsor, livestock professional, and owner of a livestock
 206 facility shall post and maintain signs which contain the warning notice specified in
 207 subsection (b) of this Code section. Such signs shall be placed in a clearly visible location
 208 on or near stables, corrals, or arenas where the livestock activity sponsor conducts livestock
 209 activities. The warning notice specified in subsection (b) of this Code section shall appear
 210 on the sign in black letters, with each letter to be a minimum of one inch in height. Every
 211 written contract entered into by a livestock activity sponsor, livestock professional, or
 212 livestock owner for the providing of professional services, instruction, or the rental of
 213 equipment, tack, or livestock to a participant, whether or not the contract involves livestock
 214 activities on the business location or site of such livestock activity sponsor, livestock
 215 professional, or livestock owner, shall contain in clearly readable print the warning notice
 216 specified in subsection (b) of this Code section.

217 (b) The signs and contracts described in subsection (a) of this Code section shall contain
 218 language substantially similar to the following warning notice:

219 WARNING

220 Under Georgia law, a livestock activity sponsor, livestock professional, or owner of a
 221 livestock facility is not liable for an injury to or the death of a participant in livestock
 222 activities resulting from the inherent risks of animal activities, pursuant to Chapter 12 of
 223 Title 4 of the Official Code of Georgia Annotated.

224 (c) Failure to comply with the requirements concerning warning signs and notices
 225 provided in this Code section shall prevent a livestock activity sponsor, livestock
 226 professional, or owner of a livestock facility from invoking the privileges of immunity
 227 provided by this chapter.

228 4-12-7.

229 Nothing in this chapter shall be construed so as to abrogate or otherwise affect the
 230 provisions of Chapter 3 of this title."

231 **SECTION 2.**

232 This Act shall become effective on July 1, 2015, and shall not apply to any cause of action
 233 arising prior to such date.

234 **SECTION 3.**

235 All laws and parts of laws in conflict with this Act are repealed.