

COMMITTEES OF CONFERENCE SUBSTITUTE TO HB 876

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 update license and surety requirements of livestock dealers and livestock market operators;
3 to provide for publication of duly licensed dealers and operators; to eliminate requirement
4 for submission of certain reports; to correct cross-references and provide for uniformity; to
5 provide for liability protection for certain activities related to livestock; to provide for
6 limitations; to provide for related matters; to provide for an effective date and applicability;
7 to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

9 Chapter 6 of Title 4 of the Official Code of Georgia Annotated, relating to livestock dealers
10 and auctions, is amended by revising Code Section 4-6-1, relating to definitions relative to
11 livestock dealers, as follows:
12

13 "4-6-1.

14 As used in this chapter, the term:

15 ~~(1) 'Bond' means a written instrument issued or executed by a bonding, surety, or~~
16 ~~insurance company licensed to do business in this state, guaranteeing that the person~~
17 ~~bonded shall faithfully fulfill the terms of the contract of purchases and guarantee the~~
18 ~~payment of the purchase price of all livestock purchased by him, made payable to the~~
19 ~~Commissioner for the benefit of persons sustaining loss resulting from the nonpayment~~
20 ~~of the purchase price or the failure to fulfill the terms of the contract of purchase.~~

21 ~~(2)(1) 'Cash' includes only currency, cashier's checks, and money orders.~~

22 ~~(3)(2) 'Dealer' is synonymous with the term 'broker' and means any person, firm, or~~
23 ~~corporation, including a packer, engaged in the business of buying livestock of any kind~~
24 ~~for resale or in selling livestock of any kind bought for the purpose of resale or in buying~~
25 ~~livestock of any kind for slaughter. Every agent acting for or on behalf of any dealer,~~
26 ~~broker, or livestock market operator is a dealer or broker. means any person or agent of~~

27 such person who engages in or facilitates, including by electronic means, the business of
 28 buying, selling, exchanging, or otherwise transferring ownership of livestock within this
 29 state for his or her own account or for that of another. The term 'dealer' shall not include:

30 (A) Farmers acquiring livestock solely for the purpose of grazing and feeding as a part
 31 of their farm operations ~~are not encompassed by the definition of 'dealer' or 'broker';~~
 32 and

33 (B) Packers whose total annual purchases of livestock are less than \$50,000.00 who
 34 buy only from licensed dealers and licensed sales establishments ~~are not included in the~~
 35 ~~definition of 'dealer' or 'broker.';~~

36 (C) Persons selling only livestock of their own production or buying only for their own
 37 production; or

38 (D) Auctioneers that do not take ownership of livestock.

39 ~~(4)~~(3) 'Livestock' means cattle, swine, equines, sheep, and goats of all kinds and species.

40 ~~(5)~~(4) 'Livestock market operator' means any person, ~~firm, or corporation~~ engaged in the
 41 business of operating a sales establishment, public auctions or sales of livestock, or barns
 42 and yards for the containment of livestock held for the purpose of auction or sale.

43 ~~(6)~~(5) 'Person' means any person, firm, corporation, association, cooperative, or
 44 combination thereof.

45 ~~(7)~~(6) 'Sales establishment' means any yard, barn, or other premises where livestock is
 46 sold at auction.

47 (7) 'Surety' means a letter of credit, certificate of deposit, or other written instrument
 48 issued or executed by a lending institution or bonding, surety, or insurance company
 49 licensed to do business in this state, guaranteeing the faithful performance of the terms
 50 of the contract of purchase, including the payment of the purchase price of all livestock
 51 purchased by the holder of such instrument, made payable to the Commissioner for the
 52 benefit of persons sustaining loss resulting from the nonpayment of the purchase price
 53 or the failure to fulfill the terms of the contract of purchase."

54 SECTION 2.

55 Said chapter is further amended by revising Code Section 4-6-2, relating to the sale, auction,
 56 transfer, or movement of infected livestock, as follows:

57 "4-6-2.

58 No dealer, ~~broker~~, or livestock market operator shall sell, auction, transfer, or move any
 59 livestock which are infected with any disease or which have been placed under quarantine
 60 by the authority of the Commissioner. Until all such livestock have been inspected by a
 61 veterinarian approved by the Commissioner, no dealer, ~~broker~~, or livestock market operator
 62 shall sell, auction, transfer, or move any livestock which have been infected, which are

63 suspected of being infected, or which are likely to have been exposed to infection. No
 64 dealer, ~~broker~~, or livestock market operator shall sell, auction, transfer, or move any
 65 livestock from any barn, yard, or premises unless all sanitary practices and precautions
 66 prescribed by the rules and regulations of the Commissioner have been observed in the
 67 premises, barn, or yard."

68 SECTION 3.

69 Said chapter is further amended by revising Code Section 4-6-3, relating to livestock dealer
 70 licenses, as follows:

71 "4-6-3.

72 (a) No livestock market operator shall engage in or carry on such business without first
 73 applying for and obtaining a license from the Commissioner. The triennial fee for a
 74 livestock market operator license shall be proportionate to the surety acquired by such
 75 operator, but shall not exceed \$200.00.

76 (b) ~~No livestock dealer or broker~~ dealer who buys or sells through a livestock market
 77 operator or directly from producers shall engage in or carry on such business without first
 78 applying for and obtaining a license from the Commissioner. ~~There shall be no fee for such~~
 79 ~~license.~~ The annual fee for a dealer license shall be no more than \$25.00.

80 (c) No ~~such~~ license shall be issued to any person pursuant to this Code section unless the
 81 applicant therefor furnishes to the Commissioner the ~~required bond~~ surety required under
 82 this article and such surety is approved by the Commissioner. ~~The bonds shall be executed~~
 83 ~~by a surety corporation authorized to transact business in this state and approved by the~~
 84 ~~Commissioner.~~ Any and all ~~bond~~ surety applications shall be accompanied by a certificate
 85 of 'good standing' issued by the Commissioner of Insurance. If any company issuing a
 86 ~~bond~~ surety shall be removed from doing become unauthorized to do business in this state,
 87 it shall be the duty of the Commissioner of Insurance to notify the Commissioner of
 88 Agriculture within 30 days. ~~Such bonds shall be upon forms prescribed by the~~
 89 ~~Commissioner and sureties~~ shall be conditioned to secure the faithful performance of ~~such~~
 90 a person's obligations as a livestock market operator, ~~livestock dealer, or livestock broker~~
 91 or ~~dealer~~ under this article and the rules and regulations prescribed ~~under this article~~
 92 pursuant thereto. ~~Whenever the Commissioner shall determine that a previously approved~~
 93 ~~bond has for any cause become insufficient, the Commissioner may require an additional~~
 94 ~~bond or bonds to be given, conforming with the requirements of this Code section.~~ Unless
 95 the additional bond or bonds are given within the time fixed by written demand therefor,
 96 ~~or if the bond~~ If the surety of a dealer, ~~broker~~, or livestock market operator is canceled,
 97 then the license of such person shall immediately be revoked by operation of law without
 98 notice or hearing."

99

SECTION 4.

100 Said chapter is further amended by revising Code Section 4-6-4, relating to cancellation,
 101 revocation, or suspension of licenses, as follows:

102 "4-6-4.

103 Every licensed dealer, ~~broker~~, and livestock market operator who shall violate this chapter
 104 or rules and regulations established by the Commissioner pursuant to this chapter shall
 105 have his or her license revoked, canceled, or suspended, upon a notice and hearing."

106

SECTION 5.

107 Said chapter is further amended by revising Code Section 4-6-5, relating to maintenance of
 108 records, as follows:

109 "4-6-5.

110 No dealer, ~~broker~~, or livestock market operator shall buy, store, or otherwise receive any
 111 livestock without first recording the name and address of the person or persons bringing
 112 in the livestock and recording the license tag number of the vehicle used ~~by the person or~~
 113 ~~persons~~ to transport the livestock."

114

SECTION 6.

115 Said chapter is further amended by revising Code Section 4-6-10, relating to penalties for
 116 violations, as follows:

117 "4-6-10.

118 (a) Any dealer, ~~broker~~, or livestock market operator who violates any of the provisions of
 119 this chapter, any quarantine provision, or any rule or regulation established by the
 120 Commissioner under the authority of this or any other law for the protection of the general
 121 public in the prevention of livestock diseases shall be guilty of a misdemeanor.

122 (b) Any dealer, ~~broker~~, or livestock market operator who violates Code Section 4-6-5,
 123 relating to maintenance of records, for a third or subsequent time shall be guilty of a felony
 124 and, upon conviction thereof, shall be punished by a fine not to exceed \$10,000.00 or by
 125 imprisonment for not less than one nor more than three years, or both, and any person so
 126 convicted shall have any license issued under this article permanently revoked and shall
 127 be ineligible to apply for a subsequent license under this article.

128 (c) Any dealer, ~~broker~~, or livestock market operator who violates Code Section 4-6-2,
 129 relating to the sale, auction, or transfer of known infected livestock, or Code Section 4-6-6,
 130 relating to quarantines, for the third or subsequent time shall be guilty of a felony and, upon
 131 conviction thereof, shall be punished by a fine not to exceed \$10,000.00 or by
 132 imprisonment for not less than one nor more than three years, or both, and any person so

133 convicted shall have any license issued under this article permanently revoked and shall
 134 be ineligible to apply for a subsequent license under this article."

135 **SECTION 7.**

136 Said chapter is further amended by adding a new Code section to read as follows:

137 "4-6-12.

138 The Commissioner shall publish in print or electronically the names and locations of duly
 139 licensed dealers and livestock market operators."

140 **SECTION 8.**

141 Said chapter is further amended by revising Code Section 4-6-42, relating to surety bonds
 142 generally, as follows:

143 "4-6-42.

144 ~~(a) No person shall operate a sales establishment for the sale of livestock at auction unless~~
 145 ~~he or she has then in force a bond surety in an amount calculated as follows: established~~
 146 ~~in a memorandum of agreement with the department sufficient to secure the performance~~
 147 ~~of the obligations of the holder of such surety.~~

148 ~~(1) If the annual sales of the establishment are \$2,600,000.00 or less, the amount of the~~
 149 ~~bond shall be one fifty-second of the amount of annual sales but not less than \$10,000.00;~~
 150 ~~or~~

151 ~~(2) If the annual sales of the establishment are more than \$2,600,000.00, the amount of~~
 152 ~~the bond shall be \$50,000.00 plus one fifty-second of the amount of annual sales in~~
 153 ~~excess of \$2,600,000.00 times a factor of 0.20.~~

154 ~~(b) An amount calculated under subsection (a) of this Code section, if not a multiple of~~
 155 ~~\$5,000.00, shall be rounded to nearest higher multiple of \$5,000.00."~~

156 **SECTION 9.**

157 Said chapter is further amended by revising Code Section 4-6-43, relating to surety bonds
 158 relative to dealers and brokers generally, as follows:

159 "4-6-43.

160 ~~(a) No dealer or broker shall purchase livestock at any sales establishment or directly from~~
 161 ~~producers unless he or she has then in force a bond surety in an amount calculated as~~
 162 ~~follows: established in a memorandum of agreement with the department sufficient to~~
 163 ~~secure the performance of the obligations of the holder of such surety.~~

164 ~~(1) Determine a number which is the number of days during the preceding year on which~~
 165 ~~the dealer or broker did business;~~

- 166 ~~(2) Divide the total dollar value of livestock purchased by the dealer or broker during the~~
 167 ~~preceding year by the lesser of:~~
- 168 ~~(A) One-half of the number determined under paragraph (1) of this subsection, or~~
 169 ~~(B) One hundred thirty; and~~
- 170 ~~(3) Adjust the amount obtained under paragraph (2) of this subsection as follows:~~
- 171 ~~(A) If the amount obtained under paragraph (2) of this subsection is \$10,000.00 or less~~
 172 ~~then the amount of the bond shall be \$10,000.00;~~
- 173 ~~(B) If the amount obtained under paragraph (2) of this subsection is more than~~
 174 ~~\$10,000.00 but not more than \$75,000.00 then that amount shall be the amount of the~~
 175 ~~bond; or~~
- 176 ~~(C) If the amount obtained under paragraph (2) of this subsection is more than~~
 177 ~~\$75,000.00 then the amount of the bond shall be the sum of \$75,000.00 plus 10 percent~~
 178 ~~of the amount by which the amount obtained under paragraph (2) of this subsection~~
 179 ~~exceeds \$75,000.00.~~
- 180 ~~(b) An amount calculated under subsection (a) of this Code section, if not a multiple of~~
 181 ~~\$5,000.00, shall be rounded up to the nearest multiple of \$5,000.00.~~
- 182 ~~(c) This Code section shall not be applicable to nor shall a bond surety be required of a~~
 183 ~~dealer who purchases livestock at sales establishments for cash only. No livestock market~~
 184 ~~operator shall permit a dealer ~~or broker~~ who is not properly licensed and bonded holding~~
 185 ~~surety to purchase livestock other than for cash."~~

186 **SECTION 10.**

187 Said chapter is further amended by repealing in its entirety Code Section 4-6-44, relating to
 188 calculation of bonds, and designating said Code section as reserved.

189 **SECTION 11.**

190 Said chapter is further amended by repealing in its entirety Code Section 4-6-49, relating to
 191 annual sale and purchase reports and proof of bonding requirements, and designating said
 192 Code section as reserved.

193 **SECTION 12.**

194 Said chapter is further amended by revising Code Section 4-6-49.1, relating to denial of
 195 licenses and required statements and records, as follows:

196 "4-6-49.1.

- 197 (a) No license shall be issued to or allowed to be maintained by any sales establishment
 198 or dealer if:

- 199 (1) Any beneficial interest in the business of the sales establishment or dealer is directly
 200 or indirectly owned by a defaulter; or
 201 (2) Any defaulter is employed in a management position by the sales establishment or
 202 dealer.
- 203 (b) As used in this Code section, the term 'defaulter' means any person who has, within the
 204 past five years, been employed in a managerial position by or owned any beneficial interest
 205 in the business of a sales establishment or dealer which business has ceased operations
 206 without satisfying all liabilities of the business either from assets of the business or from
 207 any ~~bond or bonds~~ surety.
- 208 (c) The Commissioner shall have full authority to require disclosure from licensees and
 209 applicants of information sufficient to determine whether the licensee or applicant is
 210 qualified to be licensed under this Code section. The Commissioner shall have full
 211 authority to examine the records and accounts of all licensees in order to determine whether
 212 any proceeds of the business are being paid to any defaulter.
- 213 (d) This Code section shall not prohibit the Commissioner from allowing a defaulter to
 214 operate as a dealer who purchases livestock for cash only.
- 215 (e) All applicants for licensure shall submit to the Commissioner a current financial
 216 statement; and all licensees shall submit a current financial statement annually."

217 **SECTION 13.**

218 Said chapter is further amended by revising Code Section 4-6-52, relating to special sales,
 219 as follows:

220 "4-6-52.

- 221 (a) As used in this Code section, 'special sale' means any livestock sale, except a regular
 222 sale at an establishment and any sale by a farmer of livestock owned by the farmer, with
 223 payment made directly to the farmer.
- 224 (b) The Commissioner is authorized to prescribe rules and regulations for the operation of
 225 special sales. No person shall hold a special sale without obtaining a permit therefor from
 226 the Commissioner or his or her duly authorized representative, which shall be granted
 227 without charge upon submission of proof satisfactory to the Commissioner that the person
 228 applying for the permit ~~is bonded~~ has procured a surety in an amount equal to one-fourth
 229 of the anticipated proceeds of the sale; provided, however, that such ~~bond~~ surety shall be
 230 not less than \$10,000.00 and not more than \$150,000.00 in amount.
- 231 (c) Associations holding sales of animals consigned by members of the association only
 232 shall not be required to procure a ~~bond~~ surety if the directors of the association accept full
 233 responsibility for financial obligations of sale and release the Commissioner, in writing,
 234 from any responsibility.

235 ~~(c.1)(d)~~ Georgia 4-H clubs and Georgia Future Farmers of America chapters shall not be
 236 required to procure a ~~bond~~ surety.
 237 ~~(d) Any person who violates this Code section shall be guilty of a misdemeanor."~~

238 **SECTION 14.**

239 Said title is further amended by revising Chapter 12, relating to injuries from equine or llama
 240 activities, as follows:

241 "CHAPTER 12

242 4-12-1.

243 The General Assembly recognizes that persons who participate in equine activities,
 244 livestock activities, or llama activities may incur injuries as a result of the risks involved
 245 in such activities. The General Assembly also finds that the state and its citizens derive
 246 numerous economic and personal benefits from such activities. The General Assembly
 247 finds, determines, and declares that this chapter is necessary for the immediate preservation
 248 of the public peace, health, and safety. It is, therefore, the intent of the General Assembly
 249 to encourage equine activities, livestock activities, and llama activities by limiting the civil
 250 liability of those involved in such activities.

251 4-12-2.

252 As used in this chapter, the term:

253 (1) 'Engages in a llama activity' means riding, training, assisting in providing medical
 254 treatment of, driving, or being a passenger upon a llama, whether mounted or unmounted,
 255 or any person assisting a participant or show management. The term 'engages in a llama
 256 activity' does not include being a spectator at a llama activity, except in cases where the
 257 spectator places himself or herself in an unauthorized area and in immediate proximity
 258 to the llama activity.

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

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

266 (4) 'Equine activity' means:

- 267 (A) Equine shows, fairs, competitions, performances, or parades that involve any or
 268 all breeds of equines and any of the equine disciplines, including, but not limited to,
 269 dressage, hunter and jumper horse shows, grand prix jumping, three-day events,
 270 combined training, rodeos, driving, pulling, cutting, polo, steeplechasing, English and
 271 western performance riding, endurance trail riding and western games, and hunting;
- 272 (B) Equine training or teaching activities, or both;
- 273 (C) Boarding equines;
- 274 (D) Riding, inspecting, or evaluating an equine belonging to another, whether or not
 275 the owner has received some monetary consideration or other thing of value for the use
 276 of the equine or is permitting a prospective purchaser of the equine to ride, inspect, or
 277 evaluate the equine;
- 278 (E) Rides, trips, hunts, or other equine activities of any type however informal or
 279 impromptu that are sponsored by an equine activity sponsor;
- 280 (F) Placing or replacing horseshoes on an equine; and
- 281 (G) Examining or administering medical treatment to an equine by a veterinarian.
- 282 (5) 'Equine activity sponsor' means an ~~individual, group, club, partnership, or~~
 283 ~~corporation, whether or not the sponsor is operating for profit or nonprofit, entity~~ which
 284 sponsors, organizes, or provides the facilities for an equine activity, including, but not
 285 limited to, pony clubs; 4-H clubs; hunt clubs; riding clubs; school and college sponsored
 286 classes, programs, and activities; therapeutic riding programs; and operators, instructors,
 287 and promoters of equine facilities, including, but not limited to, stables, clubhouses,
 288 ponyride strings, fairs, and arenas at which the activity is held.
- 289 (6) 'Equine professional' means ~~a person~~ an entity engaged for compensation in:
- 290 (A) Instructing a participant or renting to a participant an equine for the purpose of
 291 riding, driving, or being a passenger upon the equine;
- 292 (B) Renting equipment or tack to a participant; or
- 293 (C) Examining or administering medical treatment to an equine as a veterinarian.
- 294 (7) 'Inherent risks of equine animal activities' or ~~'inherent risks of llama activities'~~ means
 295 those dangers or conditions which are an integral part of equine activities, livestock
 296 activities, or llama activities, as the case may be, including, but not limited to:
- 297 (A) The propensity of the animal to behave in ways that may result in injury, harm, or
 298 death to persons on or around them;
- 299 (B) The unpredictability of the animal's reaction to such things as sounds, sudden
 300 movement, and unfamiliar objects, persons, or other animals;
- 301 (C) Certain hazards such as surface and subsurface conditions;
- 302 (D) Collisions with other animals or objects; and

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

306 (7.1) 'Livestock' means swine, cattle, sheep, and goats.

307 (7.2) 'Livestock activity' means any not for profit event in which participants are engaged
 308 in the grazing, herding, feeding, branding, boarding, milking, inspecting, or evaluating
 309 livestock, or taking part in any other activity that involves the care or maintenance of
 310 livestock.

311 (7.3) 'Livestock activity sponsor' means an entity sponsoring, organizing, or providing
 312 facilities for a livestock activity, and includes all employees of such entity.

313 (7.4) 'Livestock facility' means a property or facility at which a livestock activity is held.

314 (7.5) 'Livestock professional' means an entity owning livestock that is involved in a
 315 livestock activity.

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

318 (9) 'Llama activity' means:

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

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

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

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

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

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

327 (G) Boarding llamas;

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

332 (I) Using llamas in wool production;

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

335 (K) Trimming the nails of a llama.

336 (10) 'Llama activity sponsor' means an ~~individual, group, club, partnership, or~~
 337 ~~corporation, whether or not the sponsor is operating for profit or nonprofit,~~ entity which
 338 sponsors, organizes, or provides the facilities for a llama activity, including, but not
 339 limited to llama clubs; 4-H clubs; hunt clubs; riding clubs; school and college-sponsored

340 classes, programs, and activities; therapeutic riding programs; and operators, instructors,
 341 and promoters of llama facilities, including, but not limited to stables, clubhouses, fairs,
 342 and arenas at which the activity is held.

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

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

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

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

350 4-12-3.

351 (a) Except as provided in subsection (b) of this Code section, an equine activity sponsor,
 352 an equine professional, a livestock activity sponsor, a livestock professional, an owner of
 353 a livestock facility, a llama activity sponsor, a llama professional, or any other person,
 354 which shall include a corporation or partnership, shall not be liable for an injury to or the
 355 death of a participant resulting from the inherent risks of ~~equine animal~~ activities ~~or from~~
 356 ~~the inherent risks of llama activities~~ and, except as provided in subsection (b) of this Code
 357 section, no participant or participant's representative shall make any claim against, maintain
 358 an action against, or recover from an equine activity sponsor, an equine professional, a
 359 livestock activity sponsor, a livestock professional, an owner of a livestock facility, a llama
 360 activity sponsor, a llama professional, or any other person for injury, loss, damage, or death
 361 of the participant resulting from any of the inherent risks of ~~equine animal~~ activities ~~or~~
 362 ~~resulting from any of the inherent risks of llama activities~~ during the course of any equine
 363 activity, livestock activity, or llama activity.

364 (b) Nothing in subsection (a) of this Code section shall prevent or limit the liability of an
 365 equine activity sponsor, an equine professional, a livestock activity sponsor, a livestock
 366 professional, an owner of a livestock facility, a llama activity sponsor, a llama professional,
 367 or any other person if the equine activity sponsor, equine professional, livestock activity
 368 sponsor, livestock professional, owner of the livestock facility, llama activity sponsor,
 369 llama professional, or person:

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

373 (B) Provided the animal and failed to make reasonable and prudent efforts to determine
 374 the ability of the participant to engage safely in the ~~equine activity or llama~~ activity and

375 to safely manage the particular animal based on the participant's representations of his
376 or her ability;

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

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

385 (4) Intentionally injures the participant.

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

390 (d) Nothing in this Code Section nor any provision of the laws of this State recognizing
391 equine activity, livestock activity, or llama activity as inherently dangerous shall serve as
392 a basis for liability on the part of any person who encourages, promotes, or instructs others
393 in equine activities, livestock activities, or llama activities.

394 4-12-4.

395 (a) Every equine professional and every equine activity sponsor shall post and maintain
396 signs which contain the warning notice specified in subsection (b) of this Code section.
397 Such signs shall be placed in a clearly visible location on or near stables, corrals, or arenas
398 where the equine professional or the equine activity sponsor conducts equine activities.
399 The warning notice specified in subsection (b) of this Code section shall appear on the sign
400 in black letters, with each letter to be a minimum of one inch in height. Every written
401 contract entered into by an equine professional or by an equine activity sponsor for the
402 providing of professional services, instruction, or the rental of equipment or tack or an
403 equine to a participant, whether or not the contract involves equine activities on ~~or off~~ the
404 location or site of the equine professional's or the equine activity sponsor's business, shall
405 contain in clearly readable print the warning notice specified in subsection (b) of this Code
406 section.

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

409

WARNING

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

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

417 4-12-5.

418 (a) Every llama professional and every llama activity sponsor shall post and maintain signs
 419 which contain the warning notice specified in subsection (b) of this Code section. Such
 420 signs shall be placed in a clearly visible location on or near stables, corrals, pens, or arenas
 421 where the llama professional or the llama activity sponsor conducts llama activities. The
 422 warning notice specified in subsection (b) of this Code section shall appear on the sign in
 423 black letters, with each letter to be a minimum of one inch in height. Every written
 424 contract entered into by a llama professional or by a llama activity sponsor for the
 425 providing of professional services, instruction, or the rental of equipment or tack or a llama
 426 to a participant, whether or not the contract involves llama activities on ~~or off~~ the location
 427 or site of the llama professional's or the llama activity sponsor's business, shall contain in
 428 clearly readable print the warning notice specified in subsection (b) of this Code section.

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

431

WARNING

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

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

439 4-12-6.

440 (a) Every livestock activity sponsor, livestock professional, and owner of a livestock
 441 facility shall post and maintain signs which contain the warning notice specified in
 442 subsection (b) of this Code section. Such signs shall be placed in a clearly visible location
 443 on or near stables, corrals, or arenas where the livestock activity sponsor conducts livestock

444 activities. The warning notice specified in subsection (b) of this Code section shall appear
 445 on the sign in black letters, with each letter to be a minimum of one inch in height. Every
 446 written contract entered into by a livestock activity sponsor, livestock professional, or
 447 livestock owner for the providing of professional services, instruction, or the rental of
 448 equipment, tack, or livestock to a participant, whether or not the contract involves livestock
 449 activities on the business location or site of such livestock activity sponsor, livestock
 450 professional, or livestock owner, shall contain in clearly readable print the warning notice
 451 specified in subsection (b) of this Code section.

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

454 WARNING

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

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

463 4-12-7.

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

466 **SECTION 15.**

467 This Act shall become effective on July 1, 2016, and shall not apply to any cause of action
 468 arising prior to such date.

469 **SECTION 16.**

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