

An Act

(1ST EXTRAORDINARY SESSION)

ENROLLED HOUSE

BILL NO. 1008

By: Shannon, Stiles, Wright,
Ritze and Cockroft of the
House

and

Bingman, Sykes, Jolley and
Shortey of the Senate

An Act relating to the Oklahoma Livestock Activities Liability Limitation Act; repealing Section 47, Chapter 228, O.S.L. 2009, which relates to definitions; amending 76 O.S. 2011, Section 50.2, which relates to definitions; modifying definitions; amending 76 O.S. 2011, Section 50.2, as amended by Section 2 of this act, which relates to definitions; modifying definitions; providing for construction of act; providing for noncodification; and declaring an emergency.

SUBJECT: Oklahoma Livestock Activities Liability Limitation Act

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. REPEALER Section 47, Chapter 228, O.S.L. 2009, is hereby repealed.

SECTION 2. AMENDATORY 76 O.S. 2011, Section 50.2, is amended to read as follows:

Section 50.2 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, or engaging in any agritourism activity involving livestock or on a location where livestock are displayed or raised, 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. "Agritourism activity" includes, but is not limited to, any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, ranching, historic, cultural, harvest your own activities, or natural activities and attractions. An activity is an agritourism activity whether or not the participant pays to participate in the activity;~~

~~3. "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;~~

~~4. 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, ~~and~~
- g. ~~agritourism activities involving the viewing of, handling of, riding of, showing of, or other interactive activities with livestock;~~

~~5.~~ 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;

~~6.~~ 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;

~~7.~~ 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

~~8-~~ 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 3. AMENDATORY 76 O.S. 2011, Section 50.2, as amended by Section 2 of this act, is amended to read as follows:

Section 50.2 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, or engaging in any agritourism activity involving livestock or on a location where livestock are displayed or raised, 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. "Agritourism activity" includes, but is not limited to, any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, ranching, historic, cultural, harvest-your-own activities, or natural activities and attractions. An activity is an agritourism activity whether or not the participant pays to participate in the activity;

3. "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-~~ 4. "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, and
- g. agritourism activities involving the viewing of, handling of, riding of, showing of, or other interactive activities with livestock;

~~4.~~ 5. "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.~~ 6. "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-~~ 7. "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-~~ 8. "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 4. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

The amendatory provisions contained in Section 2 of this act conform the statute to the holding in *Douglas v. Cox Retirement Properties, Inc.*, 2013 OK 37, 302 P.2d 789 (Okla. 2013). The amendatory provisions contained in Section 3 of this act conform the statute to the amendatory provisions of Enrolled House Bill No. 1603 of the 1st Session of the 52nd Oklahoma Legislature, c. 228, O.S.L. 2009.

SECTION 5. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 5th day of September, 2013.

Joan W. Murphree
Presiding Officer of the House
of Representatives

Passed the Senate the 9th day of September, 2013.

W. Bruce
Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 9th

day of September, 20 13, at 6:39 o'clock P M.

By: *Audrey Lockwell*

Approved by the Governor of the State of Oklahoma this 10th

day of September, 20 13, at 4:25 o'clock P M.

Mary Fallin
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 10th

day of September, 20 13, at 4:47 o'clock P M.

By: *Chris Nevins*