

Senate Bill 183

By: Senators Wilkinson of the 50th, Black of the 8th, Heath of the 31st, Unterman of the 45th, Ginn of the 47th and others

AS PASSED SENATE

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

163 4-12-4.

164 (a) Every equine professional and every equine activity sponsor shall post and maintain
 165 signs which contain the warning notice specified in subsection (b) of this Code section.
 166 Such signs shall be placed in a clearly visible location on or near stables, corrals, or arenas
 167 where the equine professional or the equine activity sponsor conducts equine activities.
 168 The warning notice specified in subsection (b) of this Code section shall appear on the sign

169 in black letters, with each letter to be a minimum of one inch in height. Every written
 170 contract entered into by an equine professional or by an equine activity sponsor for the
 171 providing of professional services, instruction, or the rental of equipment or tack or an
 172 equine to a participant, whether or not the contract involves equine activities on ~~or off~~ the
 173 location or site of the equine professional's or the equine activity sponsor's business, shall
 174 contain in clearly readable print the warning notice specified in subsection (b) of this Code
 175 section.

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

178 **WARNING**

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

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

186 4-12-5.

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

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

200 **WARNING**

201 Under Georgia law, a llama activity sponsor or llama professional is not liable for an
 202 injury to or the death of a participant in llama activities resulting from the inherent risks

203 of ~~Hama~~ animal activities, pursuant to Chapter 12 of Title 4 of the Official Code of
204 Georgia Annotated.

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

208 4-12-6.

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

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

223 WARNING

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

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

232 4-12-7.

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

235 **SECTION 2.**

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

238 **SECTION 3.**

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