

House Bill 50 (COMMITTEE SUBSTITUTE)

By: Representatives Pirkle of the 155th, McCall of the 33rd, Jasperse of the 11th, England of the 116th, and LaRiccia of the 169th

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 ~~individual, group, club, partnership, or~~
 51 ~~corporation, whether or not the sponsor is operating for profit or nonprofit, entity~~ 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 any event in which participants are engaged in the
76 grazing, herding, feeding, branding, boarding, milking, inspecting, or evaluating of
77 livestock, or taking part in any other activity that involves the care or maintenance of
78 livestock wherein such participants are not charged a fee for their participation, unless
79 such fees charged are used exclusively for educational, scholarship, or training purposes
80 for participants who are 23 years of age or younger; the care and maintenance of the
81 equipment, tack, or livestock in use during such participation; or for facility overhead
82 costs.

83 (7.3) 'Livestock activity sponsor' means an entity sponsoring, organizing, or providing
84 facilities for a livestock activity, and includes all employees of such entity.

85 (7.4) 'Livestock facility' means a property or facility at which a livestock activity is held.

86 (7.5) 'Livestock professional' means an entity owning livestock that is involved in a
87 livestock activity.

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

90 (9) 'Llama activity' means:

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

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

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

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

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

- 97 (F) Participating in commercial packing trips in which participants pay a llama
 98 professional to be a guide on a hike leading llamas;
- 99 (G) Boarding llamas;
- 100 (H) Riding, inspecting, or evaluating a llama belonging to another, whether or not the
 101 owner has received some monetary consideration or other thing of value for the use of
 102 the llama or is permitting a prospective purchaser of the llama to ride, inspect, or
 103 evaluate the llama;
- 104 (I) Using llamas in wool production;
- 105 (J) Rides, trips, or other llama activities of any type however informal or impromptu
 106 that are sponsored by a llama activity sponsor; and
- 107 (K) Trimming the nails of a llama.
- 108 (10) 'Llama activity sponsor' means an ~~individual, group, club, partnership, or~~
 109 ~~corporation, whether or not the sponsor is operating for profit or nonprofit,~~ entity which
 110 sponsors, organizes, or provides the facilities for a llama activity, including, but not
 111 limited to, llama clubs; 4-H clubs; hunt clubs; riding clubs; school and college-sponsored
 112 classes, programs, and activities; therapeutic riding programs; and operators, instructors,
 113 and promoters of llama facilities, including, but not limited to, stables, clubhouses, fairs,
 114 and arenas at which the activity is held.
- 115 (11) 'Llama professional' means ~~a person~~ an entity engaged for compensation:
- 116 (A) In instructing a participant or renting to a participant a llama for the purpose of
 117 riding, driving, or being a passenger upon the llama; or
- 118 (B) In renting equipment or tack to a participant.
- 119 (12) 'Participant' means any person, whether amateur or professional, who engages in an
 120 equine activity, a livestock activity, or ~~who engages in~~ a llama activity, whether or not
 121 a fee is paid to participate in such activity.

122 4-12-3.

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

133 of the participant resulting from any of the inherent risks of ~~equine animal~~ activities ~~or~~
 134 ~~resulting from any of the inherent risks of llama activities~~ during the course of any equine
 135 activity, livestock activity, or llama activity.

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

142 (1)(A) Provided ~~the~~ equipment or tack for the activity, and knew or should have known
 143 that the equipment or tack was faulty, and such equipment or tack was faulty to the
 144 extent that it ~~did cause~~ caused the injury;

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

149 (C) With respect to livestock activities, provided the livestock and failed to make
 150 reasonable efforts to determine the propensity of the particular livestock to cause harm
 151 or failed to make reasonable efforts to determine the ability of the participant to engage
 152 safely in the activity based on the participant's representations of his or her ability and
 153 based on propensity of the particular livestock to cause harm;

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

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

162 (4) Intentionally injures the participant.

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

167 (d) Nothing in this Code section nor any provision of the laws of this State recognizing
 168 equine activity, livestock activity, or llama activity as inherently dangerous shall serve as

169 a basis for liability on the part of any person who encourages, promotes, or instructs others
 170 in equine activities, livestock activities, or llama activities.

171 4-12-4.

172 (a) Every equine professional and every equine activity sponsor shall post and maintain
 173 signs which contain the warning notice specified in subsection (b) of this Code section.
 174 Such signs shall be placed in a clearly visible location on or near stables, corrals, or arenas
 175 where the equine professional or the equine activity sponsor conducts equine activities.
 176 The warning notice specified in subsection (b) of this Code section shall appear on the sign
 177 in black letters, with each letter to be a minimum of one inch in height. Every written
 178 contract entered into by an equine professional or by an equine activity sponsor for the
 179 providing of professional services, instruction, or the rental of equipment or tack or an
 180 equine to a participant, whether or not the contract involves equine activities on ~~or off~~ the
 181 business location or site of the equine professional's or the equine activity sponsor's
 182 ~~business~~, shall contain in clearly readable print the warning notice specified in subsection
 183 (b) of this Code section.

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

186 **WARNING**

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

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

194 4-12-5.

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

204 location or site of the llama professional's or the llama activity sponsor's ~~business~~, shall
 205 contain in clearly readable print the warning notice specified in subsection (b) of this Code
 206 section.

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

209 **WARNING**

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

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

217 4-12-6.

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

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

232 **WARNING**

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

237 (c) Failure to comply with the requirements concerning warning signs and notices
 238 provided in this Code section shall prevent a livestock activity sponsor, livestock

239 professional, or owner of a livestock facility from invoking the privileges of immunity
240 provided by this chapter.

241 4-12-7.

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

244 **SECTION 2.**

245 This Act shall become effective on July 1, 2017, and shall not apply to any cause of action
246 arising prior to such date.

247 **SECTION 3.**

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