

1                                   **INHERENT RISK OF LIVESTOCK**  
2                                   **ACTIVITIES**

3                                   2003 GENERAL SESSION  
4                                   STATE OF UTAH

5                                   **Sponsor: Beverly Ann Evans**

6   **This act adds livestock activities and professionals to the provisions of Title 78 providing**  
7   **limitations on the liability of equine activities and professionals.**

8   This act affects sections of Utah Code Annotated 1953 as follows:

9   AMENDS:

10           **78-27b-101**, as last amended by Chapter 257, Laws of Utah 1999

11           **78-27b-102**, as enacted by Chapter 126, Laws of Utah 1992

12   *Be it enacted by the Legislature of the state of Utah:*

13           Section 1. Section **78-27b-101** is amended to read:

14           **78-27b-101. Definitions.**

15           As used in this chapter:

16           (1) "Equine" means any member of the equidae family.

17           (2) "Equine activity" means:

18           (a) equine shows, fairs, competitions, performances, racing, sales, or parades that  
19   involve any breeds of equines and any equine disciplines, including dressage, hunter and  
20   jumper horse shows, grand prix jumping, multiple-day events, combined training, rodeos,  
21   driving, pulling, cutting, polo, steeple chasing, hunting, endurance trail riding, and western  
22   games;

23           (b) boarding or training equines;

24           (c) teaching persons equestrian skills;

25           (d) riding, inspecting, or evaluating an equine owned by another person regardless of  
26   whether the owner receives monetary or other valuable consideration;

27           (e) riding, inspecting, or evaluating an equine by a prospective purchaser; or



28 (f) other equine activities of any type including rides, trips, hunts, or informal or  
29 spontaneous activities sponsored by an equine activity sponsor.

30 (3) "Equine activity sponsor" means an individual, group, governmental entity, club,  
31 partnership, or corporation, whether operating for profit or as a nonprofit entity, which  
32 sponsors, organizes, or provides facilities for an equine activity, including:

33 (a) pony clubs, hunt clubs, riding clubs, 4-H programs, therapeutic riding programs,  
34 and public and private schools and postsecondary educational institutions that sponsor equine  
35 activities; and

36 (b) operators, instructors, and promoters of equine facilities, stables, clubhouses,  
37 ponyride strings, fairs, and arenas.

38 (4) "Equine professional" means a person compensated for an equine activity by:

39 (a) instructing a participant;

40 (b) renting to a participant an equine to ride, drive, or be a passenger upon the equine;

41 or

42 (c) renting equine equipment or tack to a participant.

43 (5) "Livestock" means domestic animals such as cattle, horses, and sheep.

44 (6) "Livestock activity" means:

45 (a) livestock shows, fairs, competitions, performances, packing events, or parades or  
46 rodeos that involve any or all breeds of livestock;

47 (b) using livestock to pull carts or to carry packs or other items;

48 (c) using livestock to pull travois-type carriers during rescue or emergency situations;

49 (d) livestock training or teaching activities or both;

50 (e) taking livestock on public relations trips or visits to schools or nursing homes;

51 (f) boarding livestock;

52 (g) riding, inspecting, or evaluating any livestock belonging to another, whether or not  
53 the owner has received some monetary consideration or other thing of value for the use of the  
54 livestock or is permitting a prospective purchaser of the livestock to ride, inspect, or evaluate  
55 the livestock;

56 (h) using livestock in wool production;

57 (i) rides, trips, or other livestock activities of any type however informal or impromptu  
58 that are sponsored by a livestock activity sponsor; and

59 (j) trimming the feet of any livestock.

60 (7) "Livestock activity sponsor" means an individual, group, governmental entity, club,  
 61 partnership, or corporation, whether operating for profit or as a nonprofit entity, which  
 62 sponsors, organizes, or provides facilities for a livestock activity, including:

63 (a) livestock clubs, 4-H programs, therapeutic riding programs, and public and private  
 64 schools and postsecondary educational institutions that sponsor livestock activities; and

65 (b) operators, instructors, and promoters of livestock facilities, stables, clubhouses,  
 66 fairs, and arenas.

67 (8) "Livestock professional" means a person compensated for a livestock activity by:

68 (a) instructing a participant;

69 (b) renting to a participant any livestock for the purpose of riding, driving, or being a  
 70 passenger upon the livestock; or

71 (c) renting livestock equipment or tack to a participant.

72 ~~[(5)]~~ (9) "Participant" means any person, whether amateur or professional, who directly  
 73 engages in an equine activity or livestock activity, regardless of whether a fee has been paid to  
 74 participate.

75 ~~[(6)]~~ (10) (a) "Person engaged in an equine or livestock activity" means a person who  
 76 rides, trains, leads, drives, or works with an equine or livestock, respectively.

77 (b) Subsection ~~[(6)]~~ (10)(a) does not include a spectator at an equine or livestock  
 78 activity or a participant at an equine or livestock activity who does not ride, train, lead, or drive  
 79 an equine or any livestock.

80 Section 2. Section **78-27b-102** is amended to read:

81 **78-27b-102. Equine activity liability limitations.**

82 (1) An equine activity sponsor ~~[or]~~, equine professional, livestock activity sponsor, or  
 83 livestock professional is not liable for an injury to or the death of a participant engaged in an  
 84 equine or livestock activity, unless the sponsor or professional:

85 (a) (i) provided the equipment or tack; and

86 (ii) the equipment or tack caused the injury;

87 (b) (i) provided the equine or livestock; and

88 (ii) failed to make reasonable and prudent efforts to determine whether:

89 (A) the participant could engage safely in the equine or livestock activity and safely

- 90 manage the particular equine or livestock; or
- 91 (B) the equine or livestock could behave safely with the participant;
- 92 (c) owns, leases, rents, or is in legal possession and control of land or facilities upon
- 93 which the participant sustained injuries because of a dangerous condition which was known to
- 94 or should have been known to the sponsor or professional and for which warning signs have
- 95 not been conspicuously posted;
- 96 (d) (i) commits an act or omission that constitutes negligence, gross negligence, or
- 97 willful or wanton disregard for the safety of the participant; and
- 98 (ii) that act or omission causes the injury; or
- 99 (e) intentionally injures or causes the injury to the participant.
- 100 (2) This chapter does not prevent or limit the liability of an equine activity sponsor
- 101 [~~or~~], an equine professional, a livestock activity sponsor, or a livestock professional who is:
- 102 (a) a veterinarian licensed under Title 58, Chapter 28, Veterinary Practice Act, in an
- 103 action to recover for damages incurred in the course of providing professional treatment of an
- 104 equine;
- 105 (b) liable under Title 4, Chapter 25, Estrays and Trespassing Animals; or
- 106 (c) liable under Title 78, Chapter 15, Product Liability Act.

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**Legislative Review Note**  
**as of 1-21-03 9:28 AM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**

**State Impact**

No significant State or local government fiscal impact.

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**Individual and Business Impact**

The provisions of this bill may limit the liability of certain activity sponsors and professionals and consequently limit the damages some individuals may be able to recover under specified conditions. The fiscal impact for the parties involved will depend on the specific situation.

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**Office of the Legislative Fiscal Analyst**