

FIRST REGULAR SESSION

SENATE BILL NO. 133

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR PARSON.

Pre-filed December 8, 2014, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0221S.011

AN ACT

To repeal section 537.325, RSMo, and to enact in lieu thereof one new section relating to livestock activities.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 537.325, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 537.325, to read as follows:

537.325. 1. As used in this section, unless the context otherwise requires,
2 the following words and phrases shall mean:

3 (1) "Engages in an equine activity", riding, training, assisting in medical
4 treatment of, driving or being a passenger upon an equine, whether mounted or
5 unmounted, or any person assisting a participant or any person involved in show
6 management. The term "engages in an equine activity" does not include being a
7 spectator at an equine activity, except in cases where the spectator places himself
8 in an unauthorized area;

9 (2) "Equine", a horse, pony, mule, donkey or hinny;

10 (3) "Equine activity":

11 (a) Equine shows, fairs, competitions, performances or parades that
12 involve any or all breeds of equines and any of the equine disciplines, including,
13 but not limited to, dressage, hunter and jumper horse shows, grand prix jumping,
14 three-day events, combined training, rodeos, driving, pulling, cutting, polo,
15 steeplechasing, English and western performance riding, endurance trail riding
16 and western games and hunting;

17 (b) Equine training or teaching activities or both;

18 (c) Boarding equines;

19 (d) Riding, inspecting or evaluating an equine belonging to another,

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 whether or not the owner has received [some] **or currently receives** monetary
21 consideration or other thing of value for the use of the equine or is permitting a
22 prospective purchaser of the equine to ride, inspect or evaluate the equine;

23 (e) Rides, trips, hunts or other equine activities [of any type] however
24 informal or impromptu that are sponsored by an equine activity sponsor; and

25 (f) Placing or replacing horseshoes on an equine;

26 (4) "Equine activity sponsor", an individual, group, club, partnership or
27 corporation, whether or not operating for profit or nonprofit, **legal entity**, or any
28 employee thereof, which sponsors, organizes or provides the facilities for, an
29 equine activity, including but not limited to pony clubs, 4-H clubs, hunt clubs,
30 riding clubs, school- and college-sponsored classes, programs and activities,
31 therapeutic riding programs and operators, instructors and promoters of equine
32 facilities, including but not limited to stables, clubhouses, pony ride strings, fairs
33 and arenas at which the activity is held;

34 (5) "Equine professional", a person engaged for compensation, or an
35 employee of such a person engaged:

36 (a) In instructing a participant or renting to a participant an equine for
37 the purpose of riding, driving or being a passenger upon the equine; or

38 (b) In renting equipment or tack to a participant;

39 (6) "Inherent risks of equine **or livestock** activities", those dangers or
40 conditions which are an integral part of equine **or livestock** activities, including
41 but not limited to:

42 (a) The propensity of any equine **or livestock** to behave in ways that may
43 result in injury, harm or death to persons on or around it;

44 (b) The unpredictability of any equine's **or livestock's** reaction to such
45 things as sounds, sudden movement and unfamiliar objects, persons or other
46 animals;

47 (c) Certain hazards such as surface and subsurface conditions;

48 (d) Collisions with other equines, **livestock**, or objects;

49 (e) The potential of a participant to act in a negligent manner that may
50 contribute to injury to the participant or others, such as failing to maintain
51 control over the animal or not acting within his ability;

52 (7) "**Livestock**", the same as used in section 277.020;

53 (8) "**Livestock activity**":

54 (a) **Grazing, herding, feeding, branding, milking, or other activity**
55 **that involves the care or maintenance of livestock;**

56 (b) A livestock show, fair, competition, or auction;

57 (c) A livestock training or teaching activity;

58 (d) Boarding livestock; and

59 (e) Inspecting or evaluating livestock;

60 (9) "Livestock activity sponsor", an individual, group, club,
61 partnership or corporation, whether or not operating for profit or
62 nonprofit, legal entity, or any employee thereof, which sponsors,
63 organizes, or provides the facilities for, a livestock activity;

64 (10) "Livestock facility", a property or facility at which a
65 livestock activity is held;

66 (11) "Livestock owner", a person who owns livestock that is
67 involved in livestock activity;

68 (12) "Participant", any person, whether amateur or professional, who
69 engages in an equine activity or a livestock activity, whether or not a fee is
70 paid to participate in the equine activity or livestock activity.

71 2. Except as provided in subsection 4 of this section, an equine activity
72 sponsor, an equine professional, a livestock activity sponsor, a livestock
73 owner, a livestock facility, a livestock auction market, any employee
74 thereof, or any other person or corporation shall not be liable for an injury to or
75 the death of a participant resulting from the inherent risks of equine or
76 livestock activities and, except as provided in subsection 4 of this section, no
77 participant or a participant's representative shall make any claim against,
78 maintain an action against, or recover from an equine activity sponsor, an equine
79 professional, a livestock activity sponsor, a livestock owner, a livestock
80 facility, a livestock auction market, any employee thereof, or any other
81 person from injury, loss, damage or death of the participant resulting from any
82 of the inherent risks of equine or livestock activities.

83 3. This section shall not apply to the horse racing industry as regulated
84 in sections 313.050 to 313.720. This section shall not apply to any
85 employer-employee relationship governed by the provisions of, and for which
86 liability is established pursuant to, chapter 287.

87 4. The provisions of subsection 2 of this section shall not prevent or limit
88 the liability of an equine activity sponsor, an equine professional, a livestock
89 activity sponsor, a livestock owner, a livestock facility, a livestock
90 auction market, any employee thereof, or any other person if the equine
91 activity sponsor, equine professional, livestock activity sponsor, livestock

92 **owner, livestock facility, livestock auction market, any employee**
93 **thereof**, or person:

94 (1) Provided the equipment or tack and knew or should have known that
95 the equipment or tack was faulty and such equipment or tack was faulty to the
96 extent that [it did cause] **the equipment or tack caused** the injury; or

97 (2) Provided the equine **or livestock** and failed to make reasonable and
98 prudent efforts to determine the ability of the participant to engage safely in the
99 equine activity **or livestock activity** and determine the ability of the
100 participant to safely manage the particular equine **or livestock** based on the
101 participant's age, obvious physical condition or the participant's representations
102 of his **or her** ability;

103 (3) Owns, leases, rents or otherwise is in lawful possession and control of
104 the land or facilities upon which the participant sustained injuries because of a
105 dangerous latent condition which was known to the equine activity sponsor,
106 equine professional, **livestock activity sponsor, livestock owner, livestock**
107 **facility, livestock auction market, any employee thereof**, or person and
108 for which warning signs have not been conspicuously posted;

109 (4) Commits an act or omission that constitutes willful or wanton
110 disregard for the safety of the participant and that act or omission caused the
111 injury;

112 (5) Intentionally injures the participant;

113 (6) Fails to use that degree of care that an ordinarily careful and prudent
114 person would use under the same or similar circumstances.

115 5. The provisions of subsection 2 of this section shall not prevent or limit
116 the liability of an equine activity sponsor [or], an equine professional, a
117 **livestock activity sponsor, a livestock owner, a livestock facility, a**
118 **livestock auction market, or any employee thereof** under liability
119 provisions as set forth in any other section of law.

120 6. Every equine activity sponsor **and livestock activity sponsor** shall
121 post and maintain signs which contain the warning notice specified in this
122 subsection. Such signs shall be placed in a clearly visible location on or near
123 stables, corrals or arenas where the [equine professional] **equine activity**
124 **sponsor or livestock activity sponsor** conducts equine **or livestock**
125 activities if such stables, corrals or arenas are owned, managed or controlled by
126 the [equine professional] **equine activity sponsor or livestock activity**
127 **sponsor**. The warning notice specified in this subsection shall appear on the

128 sign in black letters on a white background with each letter to be a minimum of
129 one inch in height. Every written contract entered into by an equine professional
130 [and], **an equine activity sponsor, a livestock activity sponsor, a livestock**
131 **owner, a livestock facility, a livestock auction market, or any employee**
132 **thereof** for the providing of professional services, instruction or the rental of
133 equipment [or], tack, or an equine to a participant, whether or not the contract
134 involves equine **or livestock** activities on or off the location or site of the equine
135 professional's [or], equine activity sponsor's , **or livestock activity sponsor's**
136 business, shall contain in clearly readable print the warning notice specified in
137 this subsection. The signs and contracts described in this subsection shall
138 contain the following warning notice:

139 **WARNING**

140 Under Missouri law, an **equine activity sponsor, an** equine
141 professional, **a livestock activity sponsor, a livestock owner,**
142 **a livestock facility, a livestock auction market, or any**
143 **employee thereof** is not liable for an injury to or the death of a
144 participant in equine **or livestock** activities resulting from the
145 inherent risks of equine **or livestock** activities pursuant to the
146 Revised Statutes of Missouri.

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