

IN THE SENATE

SENATE BILL NO. 1345

BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

RELATING TO LIVESTOCK; AMENDING TITLE 6, IDAHO CODE, BY THE ADDITION OF A
NEW CHAPTER 28, TITLE 6, IDAHO CODE, TO DEFINE TERMS, TO PROVIDE FOR A
LIMITATION OF LIABILITY FOR CERTAIN LIVESTOCK ACTIVITIES, TO PROVIDE
FOR APPLICATION AND TO PROVIDE EXCEPTIONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Title 6, Idaho Code, be, and the same is hereby amended
by the addition thereto of a NEW CHAPTER, to be known and designated as
Chapter 28, Title 6, Idaho Code, and to read as follows:

CHAPTER 28

LIVESTOCK ACTIVITIES IMMUNITY ACT

6-2801. DEFINITIONS. For purposes of this section, the following
terms have the following meanings:

(1) "Livestock" means cattle, sheep, swine, goats, llamas or poultry.

(2) "Livestock activity" means livestock shows, fairs, competitions,
performances, races or parades.

(3) "Livestock activity sponsor" means an individual, group or 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, 4-H clubs, school
and college sponsored classes and programs and operators, instructors and
promoters of livestock facilities including, but not limited to, fairs and
arenas at which the activity is held.

(4) "Livestock professional" means a person engaged for compensation
in:

(a) Instructing a participant or renting livestock to a participant; or

(b) Renting equipment to a participant.

(5) "Participant" means any person, whether amateur or professional,
who directly engages in a livestock activity, whether or not a fee is paid to
participate in the livestock activity.

6-2802. LIMITATION OF LIABILITY ON LIVESTOCK ACTIVITIES. (1) Except
as provided in subsections (2) and (3) of this section, a livestock activity
sponsor or a livestock professional shall not be liable for any injury to
or the death of a participant or livestock engaged in a livestock activity
and, except as provided in subsections (2) and (3) of this section, no
participant nor participant's representative may maintain an action against
or recover from a livestock activity sponsor or a livestock professional for
an injury to or the death of a participant or livestock engaged in a livestock
activity.

1 (2) The provisions of this chapter do not apply to the horse or mule
2 racing industry as regulated in chapter 25, title 54, Idaho Code, or to
3 equines regulated in chapter 18, title 6, Idaho Code.

4 (3) Nothing in subsection (1) of this section shall prevent or limit the
5 liability of a livestock activity sponsor or a livestock professional:

6 (a) If the livestock activity sponsor or the livestock professional:

7 (i) Provided equipment and the equipment caused the injury;

8 (ii) Provided the livestock and failed to make reasonable and
9 prudent efforts to determine the ability of the participant to
10 engage safely in the livestock activity, determine the ability
11 of the livestock to behave safely with the participant, and to
12 determine the ability of the participant to safely manage the
13 particular livestock;

14 (iii) Owns, leases, rents or otherwise is in lawful possession
15 and control of the land or facilities upon which the participant
16 or livestock sustained injuries because of a dangerous latent
17 condition which was known to or should have been known to the
18 livestock activity sponsor or the livestock professional and for
19 which warning signs have not been conspicuously posted;

20 (iv) Commits an act or omission that is unreasonable or willfully
21 disregards the safety of the participant or livestock and that act
22 or omission caused the injury; or

23 (v) Intentionally injures the participant or livestock;

24 (b) Under liability provisions as set forth in the products liability
25 laws; or

26 (c) Under the liability provisions set forth in chapter 9, title 6,
27 Idaho Code.