

BILL ANALYSIS

S.B. 479

By: Estes

Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The purpose of this legislation is to expand Chapter 87 of the Civil Practices and Remedies Code, the "Equine Law," to protect property owners from exposure to liability for injuries caused by non-equine farm animals. Chapter 87 was originally introduced and passed with the backing of the Texas equine industry to alleviate the liability concerns of property owners who sponsor equine events, such as jumping and cutting.

Current law only limits liability incurred by property owners for equine activities. This raises concerns for property owners that sponsor events in which other farm animals, including bovine, are featured because they have no protection and are exposed to liability for any injury caused by any non-equine animal.

As proposed, S.B. 479 amends current law relating to limiting the liability of certain persons for farm animal activities.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

ANALYSIS

SECTION 1. Amends the heading to Chapter 87, Civil Practices and Remedies Code, to read as follows:

CHAPTER 87. LIABILITY ARISING FROM FARM ANIMAL ACTIVITIES OR LIVESTOCK SHOWS

SECTION 2. Amends Section 87.001, Civil Practice and Remedies Code, by amending Subdivisions (1), (3)-(6), and (9) and adding Subdivision (2-a), as follows:

- (1) Defines "engages in a farm animal activity," rather than "engages in an equine activity."
- (2-a) Defines "farm animal."
- (3) Defines "farm animal activity," rather than "equine activity."
- (4) Defines "farm animal activity sponsor," rather than "equine activity sponsor."
- (5) Defines "farm animal professional," rather than "equine professional."
- (6) Redefines "livestock animal."
- (9) Redefines "participant."

SECTION 3. Amends Section 87.003, Civil Practice and Remedies Code, as follows:

Sec. 87.003. **LIMITATION ON LIABILITY.** Provides that, except as provided by Section 87.004, any person, including a farm animal, rather than an equine, activity sponsor, farm animal professional, livestock show participant, or livestock show sponsor,

is not liable for property damage or damages arising from the personal injury or death of a participant in a farm animal activity or livestock show if the property damage, injury, or death results from the dangers or conditions that are an inherent risk of a farm animal activity or the showing on an animal on a competitive basis in a livestock show including:

- (1) the propensity of a farm animal or livestock animal to behave in ways that may result in personal injury or death to a person on or around it;
- (2) the unpredictability of a farm animal's or livestock animal's reaction to sound, a sudden movement, or an unfamiliar object, person, or other animal;
- (3) with respect to farm animal activities involving equine animals, certain land conditions and hazards, including surface and subsurface conditions;
- (4) a collision with another animal or an object; or
- (5) the potential of a participant to act in a negligent manner that may contribute to injury to the participant or another, including failing to maintain control over a farm animal or livestock animal or not acting within the participant's ability.

Makes conforming changes.

SECTION 4. Amends Section 87.004, Civil Practice and Remedies Code, as follows:

Sec. 87.004. EXCEPTIONS TO LIMITATION OF LIABILITY. Provides that a person, including a farm animal, rather than equine, activity sponsor, farm animal professional, livestock show participant, or livestock show sponsor, is liable for property damage or damages arising from the personal injury or death caused by a participant in a farm animal activity or livestock show under certain conditions. Makes conforming changes.

SECTION 5. Amends Sections 87.005(a), (b), and (c), Civil Practices and Remedies Code, to make conforming changes.

SECTION 6. Makes application of this Act prospective.

EFFECTIVE DATE

Upon passage or September 1, 2011.