

By: Landgraf

H.B. No. 1078

A BILL TO BE ENTITLED

AN ACT

relating to liability arising from farm animal activities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 87.001(1), (3), and (9), Civil Practice and Remedies Code, are amended to read as follows:

(1) "Engages in a farm animal activity" means riding, handling, training, driving, loading, unloading, assisting in the medical treatment of, being a passenger on, or assisting a participant or sponsor with a farm animal. The term includes breeding, feeding, or working farm animals as a vocation. The term includes management of a show involving farm animals. The term does not include being a spectator at a farm animal activity unless the spectator is in an unauthorized area and in immediate proximity to the farm animal activity.

(3) "Farm animal activity" means:

(A) a farm animal show, fair, competition, performance, rodeo, event, or parade that involves any farm animal;

(B) training or teaching activities involving a farm animal;

(C) boarding a farm animal, including daily care;

(D) riding, inspecting, evaluating, handling, loading, or unloading a farm animal belonging to another, without regard to whether the owner receives monetary consideration or other thing of value for the use of the farm animal or permits a

1 prospective purchaser of the farm animal to ride, inspect,
2 evaluate, handle, load, or unload the farm animal;

3 (E) informal farm animal activity, including a
4 ride, trip, or hunt that is sponsored by a farm animal activity
5 sponsor;

6 (F) placing or replacing horseshoes on an equine
7 animal;

8 (G) examining or administering medical treatment
9 to a farm animal by a veterinarian; ~~[or]~~

10 (H) without regard to whether the participants
11 are compensated, rodeos and single event competitions, including
12 team roping, calf roping, and single steer roping; or

13 (I) breeding, feeding, or working farm animals as
14 a vocation.

15 (9) "Participant" means:

16 (A) with respect to a farm animal activity, a
17 person who engages in the activity, without regard to whether the
18 person:

19 (i) is an amateur or professional;

20 (ii) engages in the activity within the
21 scope of the person's employment as a farm or ranch employee or
22 engagement as an independent contractor by a farm or ranch owner or
23 operator; or

24 (iii) ~~[whether the person]~~ pays for the
25 activity or participates in the activity for free; and

26 (B) with respect to a livestock show, a person
27 who registers for and is allowed by a livestock show sponsor to

1 compete in a livestock show by showing an animal on a competitive
2 basis, or a person who assists that person.

3 SECTION 2. Section 87.003, Civil Practice and Remedies
4 Code, is amended to read as follows:

5 Sec. 87.003. LIMITATION ON LIABILITY. Except as provided
6 by Section 87.004, any person, including a farm animal activity
7 sponsor, farm animal professional, farm or ranch owner or operator,
8 livestock producer, livestock show participant, or livestock show
9 sponsor, is not liable for property damage or damages arising from
10 the personal injury or death of a participant in a farm animal
11 activity or livestock show if the property damage, injury, or death
12 results from the dangers or conditions that are an inherent risk of
13 a farm animal activity or the showing of an animal on a competitive
14 basis in a livestock show, including:

15 (1) the propensity of a farm animal or livestock
16 animal to behave in ways that may result in personal injury or death
17 to a person on or around it;

18 (2) the unpredictability of a farm animal's or
19 livestock animal's reaction to sound, a sudden movement, or an
20 unfamiliar object, person, or other animal;

21 (3) with respect to farm animal activities involving
22 equine animals, certain land conditions and hazards, including
23 surface and subsurface conditions;

24 (4) a collision with another animal or an object; or

25 (5) the potential of a participant to act in a
26 negligent manner that may contribute to injury to the participant
27 or another, including failing to maintain control over a farm

1 animal or livestock animal or not acting within the participant's
2 ability.

3 SECTION 3. Section 87.004, Civil Practice and Remedies
4 Code, is amended to read as follows:

5 Sec. 87.004. EXCEPTIONS TO LIMITATION ON LIABILITY. A
6 person, including a farm animal activity sponsor, farm animal
7 professional, farm or ranch owner or operator, livestock show
8 participant, or livestock show sponsor, is liable for property
9 damage or damages arising from the personal injury or death caused
10 by a participant in a farm animal activity or livestock show if:

11 (1) the injury or death was caused by faulty equipment
12 or tack used in the farm animal activity or livestock show, the
13 person provided the equipment or tack, and the person knew or should
14 have known that the equipment or tack was faulty;

15 (2) the person provided the farm animal or livestock
16 animal and the person did not make a reasonable and prudent effort
17 to determine the ability of the participant to engage safely in the
18 farm animal activity or livestock show and determine the ability of
19 the participant to safely manage the farm animal or livestock
20 animal, taking into account the participant's representations of
21 ability;

22 (3) the injury or death was caused by a dangerous
23 latent condition of land for which warning signs, written notices,
24 or verbal warnings were not conspicuously posted or provided to the
25 participant, and the land was owned, leased, or otherwise under the
26 control of the person at the time of the injury or death and the
27 person knew of the dangerous latent condition;

1 (4) the person committed an act or omission with
2 wilful or wanton disregard for the safety of the participant and
3 that act or omission caused the injury;

4 (5) the person intentionally caused the property
5 damage, injury, or death; or

6 (6) with respect to a livestock show, the injury or
7 death occurred as a result of an activity connected with the
8 livestock show and the person invited or otherwise allowed the
9 injured or deceased person to participate in the activity and the
10 injured or deceased person was not a participant as defined by
11 Section 87.001(9)(B).

12 SECTION 4. The change in law made by this Act applies only
13 to a cause of action that accrues on or after the effective date of
14 this Act. A cause of action that accrued before the effective date
15 of this Act is governed by the law as it existed immediately before
16 the effective date of this Act, and that law is continued in effect
17 for that purpose.

18 SECTION 5. This Act takes effect September 1, 2021.