

By: Representative Montgomery (15th)

To: Judiciary A

HOUSE BILL NO. 416

1 AN ACT TO AMEND SECTIONS 95-11-1, 95-11-3, 95-11-5 AND
2 95-11-7, MISSISSIPPI CODE OF 1972, TO PROVIDE CIVIL LIABILITY
3 EXEMPTIONS FOR CERTAIN SPONSORS OF LIVESTOCK SHOWS; AND FOR
4 RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** Section 95-11-1, Mississippi Code of 1972, is
7 amended as follows:

8 95-11-1. The Legislature recognizes that persons who
9 participate in livestock shows or equine activities may incur
10 injuries as a result of the risks involved in such activities.
11 The Legislature also finds that the state and its citizens derive
12 numerous economic and personal benefits from such activities. The
13 Legislature finds, determines and declares that this chapter is
14 necessary for the immediate preservation of the public peace,
15 health and safety. It is, therefore, the intent of the
16 Legislature to encourage livestock shows and equine activities by
17 limiting the civil liability of those involved in such activities.

18 **SECTION 2.** Section 95-11-3, Mississippi Code of 1972, is
19 amended as follows:

20 95-11-3. As used in this chapter, the following words and
21 phrases shall have the meanings ascribed herein unless the context
22 clearly indicates otherwise:

23 (a) "Engages in livestock shows or equine activity"
24 means riding, training, providing or assisting in providing
25 medical treatment of, driving, or being a passenger upon an equine
26 or other livestock, whether mounted or unmounted, or any person
27 assisting a participant or show management. The term "engages in
28 livestock shows or equine activity" does not include being a



29 spectator at a livestock show or equine activity, except in cases
30 where the spectator places himself in an unauthorized area and in
31 immediate proximity to the livestock show or equine activity.

32 (b) "Equine" means a horse, pony, mule, donkey or
33 hinny.

34 (c) "Livestock" means equines, cattle, swine, sheep and
35 goats.

36 (d) "Livestock shows or equine activity" means:

37 (i) Livestock or equine shows, fairs,
38 competitions, performances or parades that involve any or all
39 breeds of livestock or equines and any of the equine disciplines,
40 including, but not limited to, dressage, hunter and jumper horse
41 shows, grand prix jumping, three-day events, combined training,
42 rodeos, driving, pulling, cutting, polo, steeplechasing, English
43 and Western performance riding, endurance trail riding, western
44 games and hunting.

45 (ii) Equine or livestock training or teaching
46 activities, or both.

47 (iii) Boarding equines or livestock.

48 (iv) Riding, inspecting, or evaluating an equine
49 or livestock belonging to another, whether or not the owner has
50 received some monetary consideration or other thing of value for
51 the use of the equine or livestock or is permitting a prospective
52 purchaser of the equine or livestock to ride, inspect or evaluate
53 the equine or livestock.

54 (v) Rides, trips, hunts, or other equine or
55 livestock activities of any type however informal or impromptu
56 that are sponsored by an equine or livestock activity sponsor.

57 (vi) Placing or replacing horseshoes on an equine.

58 (vii) Examining or administering medical treatment
59 to an equine or livestock by a veterinarian.

60 (e) "Equine or livestock activity sponsor" means an
61 individual, group, club, partnership or corporation, whether or



62 not the sponsor is operating for profit or nonprofit, which
63 sponsors, organizes or provides the facilities for an equine
64 activity or livestock show, including, but not limited to, pony
65 clubs, 4-H clubs, hunt clubs, riding clubs, school and college
66 sponsored classes, programs, and operators, instructors, and
67 promoters of equine or livestock facilities, including, but not
68 limited to, stables, clubhouses, pony ride strings, fairs and
69 arenas at which the activity is held.

70 (f) "Equine or livestock professional" means a person
71 engaged for compensation in:

72 (i) Instructing a participant or renting to a
73 participant, an equine or livestock for the purpose of riding,
74 driving or being a passenger upon the equine.

75 (ii) Renting equipment or tack to a participant.

76 (iii) Examining or administering medical treatment
77 to an equine or livestock as a veterinarian.

78 (g) "Inherent risks of equine or livestock activities"
79 means those dangers or conditions which are an integral part of
80 equine or livestock activities, including, but not limited to:

81 (i) The propensity of an equine or livestock to
82 behave in ways that may result in injury, harm or death to persons
83 on or around them.

84 (ii) The unpredictability of an equine's or
85 livestock's reaction to such things as sounds, sudden movement and
86 unfamiliar objects, persons or other animals.

87 (iii) Certain hazards such as surface and
88 subsurface conditions.

89 (iv) Collisions with other equines or livestock or
90 objects.

91 (v) The potential of a participant to act in a
92 negligent manner that may contribute to injury to the participant
93 or others, such as failing to maintain control over the animal or
94 not acting within his or her ability.



95 (h) "Participant" means any person, whether amateur or
96 professional, who engages in an equine activity or livestock show,
97 whether or not a fee is paid to participate in the equine activity
98 or livestock show.

99 **SECTION 3.** Section 95-11-5, Mississippi Code of 1972, is
100 amended as follows:

101 95-11-5. (1) Except as provided in subsection (2) of this
102 section, an equine or livestock activity sponsor, an equine or
103 livestock professional, or any other person, which shall include a
104 corporation or partnership, shall not be liable for an injury to
105 or the death of a participant resulting from the inherent risks of
106 equine activities or livestock shows and, except as provided in
107 subsection (2) of this section, a participant's representative
108 shall not make any claim against, or recover from an equine or
109 livestock professional, or any other person for injury, loss,
110 damage or death of the participant resulting from any of the
111 inherent risks of equine activities or livestock shows.

112 (2) Nothing in subsection (1) of this section shall prevent
113 or limit the liability of an equine or livestock activity sponsor,
114 an equine or livestock professional or any other person if the
115 equine or livestock activity sponsor, equine or livestock
116 professional or person:

117 (a) (i) Provided the equipment or tack and knew or
118 should have known that the equipment or tack was faulty, and such
119 equipment or tack was faulty to the extent that it did cause the
120 injury.

121 (ii) Provided the equine or livestock and failed
122 to make reasonable and prudent efforts to determine the ability of
123 the participant to engage safely in the equine activity or
124 livestock show and to safely manage the particular equine or
125 livestock based on the participant's representations of his
126 ability.



127 (b) Owns, leases, rents or otherwise is in lawful
128 possession and control of the land or facilities upon which the
129 participant sustained injuries because of a dangerous latent
130 condition which was known or should have been known to the equine
131 or livestock activity sponsor, equine or livestock professional or
132 person, and for which warning signs have not been conspicuously
133 posted.

134 (c) Commits an act or omission that constitutes willful
135 or wanton disregard for the safety of the participant, and that
136 act or omission caused the injury.

137 (d) Intentionally injures the participant.

138 (3) Nothing in subsection (1) of this section shall prevent
139 or limit the liability of an equine or livestock activity sponsor
140 or an equine or livestock professional under liability provisions
141 as set forth in products liability laws.

142 **SECTION 4.** Section 95-11-7, Mississippi Code of 1972, is
143 amended as follows:

144 95-11-7. (1) Every equine or livestock activity sponsor and
145 every equine or livestock professional shall post and maintain
146 signs which contain the warning notice specified in subsection (2)
147 of this section. Such signs shall be placed in a clearly visible
148 location on or near stables, corrals or arenas where the equine or
149 livestock activity sponsor or the equine or livestock professional
150 conducts equine activities or livestock shows. The warning notice
151 specified in subsection (2) of this section shall appear on the
152 sign in black letters, with each letter to be a minimum of one (1)
153 inch in height. Every written contract entered into by an equine
154 or livestock professional or by an equine or livestock activity
155 sponsor for the providing of professional services, instruction or
156 the rental of equipment or tack, or an equine or livestock
157 participant, whether or not the contract involves equine
158 activities or livestock shows on or off the location or site of
159 the equine or livestock activity sponsor's or the equine or



160 livestock professional's business, shall contain in clearly
161 readable print the warning notice specified in subsection (2) of
162 this section.

163 (2) The signs and contracts described in subsection (1) of
164 this section shall contain the following warning notice:

165 WARNING:

166 Under Mississippi law, an equine or livestock activity
167 sponsor or an equine or livestock professional is not
168 liable for an injury to or the death of a participant in
169 equine activities or livestock shows resulting from the
170 inherent risks of equine activities or livestock shows,
171 pursuant to this chapter.

172 (3) Failure to comply with the requirements concerning
173 warning signs and notices provided in this section shall prevent
174 an equine or livestock activity sponsor or equine or livestock
175 professional from invoking the privileges of immunity provided by
176 this chapter.

177 **SECTION 5.** This act shall take effect and be in force from
178 and after July 1, 2003.

