

By: Senator(s) Hyde-Smith, Stogner, Walden, Harvey, King, Dearing, White, Huggins, Williamson, Posey, Browning, Johnson (19th), Kirby, Nunnelee, Chaney

To: Judiciary

SENATE BILL NO. 2696

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 or trimming the hoofs of livestock.

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



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

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

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

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

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

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

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

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

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

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

92 (v) The potential of a participant to act in a
93 negligent manner that may contribute to injury to the participant



94 or others, such as failing to maintain control over the animal or
95 not acting within his or her ability.

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

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

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

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

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

122 (ii) Provided the equine or livestock and failed
123 to make reasonable and prudent efforts to determine the ability of
124 the participant to engage safely in the equine activity or
125 livestock show and to safely manage the particular equine or



126 livestock based on the participant's representations of his
127 ability.

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

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

138 (d) Intentionally injures the participant.

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

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

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



159 activities or livestock shows on or off the location or site of
160 the equine or livestock activity sponsor's or the equine or
161 livestock professional's business, shall contain in clearly
162 readable print the warning notice specified in subsection (2) of
163 this section.

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

166 WARNING:

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

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

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

