

**CHAPTER 60****SAFE DEPOSIT BOXES — PROCEDURE ON DEATH**

S.F. 238

**AN ACT** repealing the procedures for disposition of the contents of a decedent's safe deposit box and providing an effective date.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Sections 450.86, 524.810, and 533.49A, Code 1997, are repealed.

Sec. 2. **EFFECTIVE DATE.** This Act takes effect July 1, 1998.

Approved April 22, 1997

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**CHAPTER 61****LIABILITY FOR DOMESTICATED ANIMAL ACTIVITIES**

H.F. 132

**AN ACT** relating to the liability of persons involved in domesticated animal activities.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. **NEW SECTION. 673.1 DEFINITIONS.**

1. "Claim" means a claim, counterclaim, cross-claim, complaint, or cause of action recognized by the Iowa rules of civil procedure and brought in court on account of damage to or loss of property or on account of personal injury or death.

2. "Domesticated animal" means an animal commonly referred to as a bovine, swine, sheep, goat, domesticated deer, llama, poultry, rabbit, horse, pony, mule, jenny, donkey, or hinny.

3. "Domesticated animal activity" means any of the following:

- a. Riding or driving a domesticated animal.
- b. Riding as a passenger on a vehicle powered by a domesticated animal.
- c. Teaching or training a person to ride or drive a domesticated animal or a vehicle powered by a domesticated animal.
- d. Participating in an activity sponsored by a domesticated animal activity sponsor.
- e. Participating or assisting a participant in a domesticated animal event.
- f. Managing or assisting in managing a domesticated animal in a domesticated animal event.
- g. Inspecting or assisting an inspection of a domesticated animal for the purpose of purchase.
- h. Providing hoof care including, but not limited to, horseshoeing.
- i. Providing or assisting in providing veterinary care to a domesticated animal.
- j. Boarding or keeping a domesticated animal, by the owner of the domesticated animal or on behalf of another person.
- k. Loading, hauling, or transporting a domesticated animal.
- l. Breeding domesticated animals.
- m. Participating in racing.
- n. Showing or displaying a domesticated animal.

4. "Domesticated animal activity sponsor" means a person who owns, organizes, manages, or provides facilities for a domesticated animal activity, including, but not limited to, any of the following:

- a. Clubs involved in riding, hunting, competing, or performing.
- b. Youth clubs, including 4-H clubs.
- c. Educational institutions.
- d. Owners, operators, instructors, and promoters of a domesticated animal event or domesticated animal facility, including, but not limited to, stables, boarding facilities, club-houses, rides, fairs, and arenas.
- e. Breeding farms.
- f. Training farms.

5. "Domesticated animal event" means an event in which a domesticated animal activity occurs, including, but not limited to, any of the following:

- a. A fair.
- b. A rodeo.
- c. An exposition.
- d. A show.
- e. A competition.
- f. A 4-H event.
- g. A sporting event.
- h. An event involving driving, pulling, or cutting.
- i. Hunting.
- j. An equine event or discipline including, but not limited to, dressage, a hunter or jumper show, polo, steeplechasing, English or western performance riding, a western game, or trail riding.

6. "Domesticated animal professional" means a person who receives compensation for engaging in a domesticated animal activity by doing one of the following:

- a. Instructing a participant.
- b. Renting the use of a domesticated animal to a participant for the purposes of riding, driving, or being a passenger on a domesticated animal or a vehicle powered by a domesticated animal.
- c. Renting equipment or tack to a participant.

7. "Inherent risks of a domesticated animal activity" means a danger or condition which is an integral part of a domesticated animal activity, including, but not limited to, the following:

- a. The propensity of a domesticated animal to behave in a manner that is reasonably foreseeable to result in damages to property, or injury or death to a person.
- b. Risks generally associated with an activity which may include injuries caused by bucking, biting, stumbling, rearing, trampling, scratching, pecking, falling, kicking, or butting.
- c. The unpredictable reaction by a domesticated animal to unfamiliar conditions, including, but not limited to, a sudden movement; loud noise; an unfamiliar environment; or the introduction of unfamiliar persons, animals, or objects.
- d. A collision by the domesticated animal with an object or animal.
- e. The failure of a participant to exercise reasonable care, take adequate precautions, or use adequate control when engaging in the activity, including failing to maintain reasonable control or failing to act in a manner consistent with the person's abilities.

8. "Participant" means a person who engages in a domesticated animal activity, regardless of whether the person receives compensation.

9. "Spectator" means a person who is in the vicinity of a domesticated animal activity, but who is not a participant.

## Sec. 2. NEW SECTION. 673.2 LIABILITY.

A person, including a domesticated animal professional, domesticated animal activity

sponsor, the owner of the domesticated animal, or a person exhibiting the domesticated animal, is not liable for the damages, injury, or death suffered by a participant or spectator resulting from the inherent risks of a domesticated animal activity. This section shall not apply to the extent that the claim for damages, injury, or death is caused by any of the following:

1. An act committed intentionally, recklessly, or while under the influence of an alcoholic beverage or other drug or a combination of such substances which causes damages, injury, or death.

2. The use of equipment or tack used in the domesticated animal activity which the defendant provided to a participant, if the defendant knew or reasonably should have known that the equipment or tack was faulty or defective.

3. The failure to notify a participant of a dangerous latent condition on real property in which the defendant holds an interest, which is known or should have been known. The notice may be made by posting a clearly visible warning sign on the property.

4. A domesticated animal activity which occurs in a place designated or intended by an animal activity sponsor as a place for persons who are not participants to be present.

5. A domesticated animal activity which causes damages, injury, or death to a spectator who is in a place where a reasonable person who is alert to inherent risks of domestic animal activities would not expect a domesticated animal activity to occur.

**Sec. 3. NEW SECTION. 673.3 NOTICE REQUIRED.**

A domesticated animal professional shall post and maintain a sign on real property in which the professional holds an interest, if the professional conducts domesticated animal activities on the property. The location of the sign may be near or on a stable, corral, or arena owned or controlled by the domesticated animal professional. The sign must be clearly visible to a participant. This section does not require a sign to be posted on a domesticated animal or a vehicle powered by a domesticated animal. The notice shall appear in black letters a minimum of one inch high and in the following form:

**WARNING**

**UNDER IOWA LAW, A DOMESTICATED ANIMAL PROFESSIONAL IS NOT LIABLE FOR DAMAGES SUFFERED BY, AN INJURY TO, OR THE DEATH OF A PARTICIPANT RESULTING FROM THE INHERENT RISKS OF DOMESTICATED ANIMAL ACTIVITIES, PURSUANT TO IOWA CODE CHAPTER 673. YOU ARE ASSUMING INHERENT RISKS OF PARTICIPATING IN THIS DOMESTICATED ANIMAL ACTIVITY.**

If a written contract is executed between a domesticated animal professional and a participant involving domesticated animal activities, the contract shall contain the same notice in clearly readable print. In addition, the contract shall include the following disclaimer:

A number of inherent risks are associated with a domesticated animal activity. A domesticated animal may behave in a manner that results in damages to property or an injury or death to a person. Risks associated with the activity may include injuries caused by bucking, biting, stumbling, rearing, trampling, scratching, pecking, falling, or butting.

The domesticated animal may act unpredictably to conditions, including, but not limited to, a sudden movement; loud noise; an unfamiliar environment; or the introduction of unfamiliar persons, animals, or objects.

The domesticated animal may also react in a dangerous manner when a condition or treatment is considered hazardous to the welfare of the animal; a collision occurs with an object or animal; or a participant fails to exercise reasonable care, take adequate precautions, or use adequate control when engaging in a domesticated animal activity, including failing to maintain reasonable control of the animal or failing to act in a manner consistent with the person's abilities.