

1-25-95 Judiciary
FILED JAN 12 1995

SENATE FILE 36
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO SSB 15)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the liability of persons involved in
2 domesticated animal activities.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23

S.F. 36

1 Section 1. NEW SECTION. 673.1 DEFINITIONS.

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

6 2. "Domesticated animal" means an animal commonly or
7 customarily produced in this state for purposes of providing a
8 product, including food, leather, fur, feathers, or fiber, or
9 providing services related to transportation or agricultural
10 production, which is any of the following:

11 a. A mammal belonging to a species within taxonomic
12 families or genera, commonly referred to as bovine, caprine,
13 equine, ovine, or porcine.

14 b. Poultry belonging to an order which is domesticated,
15 including ducks, geese, swans, chickens, and turkeys, or an
16 order which has a ratite sternum, including ostriches, rheas,
17 and emus.

18 c. A mammal belonging to the taxonomic family cervidae and
19 classified as part of the dama species of the dama genus, or
20 part of the elaphus species of the cervus genus.

21 d. A mammal classified as a hopping lagomorphis within the
22 taxonomic family leporidae.

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

25 a. Riding or driving a domesticated animal, whether
26 mounted or unmounted.

27 b. Riding as a passenger on a vehicle powered by a
28 domesticated animal.

29 c. Teaching or training a person to ride or drive a
30 domesticated animal or a vehicle powered by a domesticated
31 animal.

32 d. Participating in an activity sponsored by a
33 domesticated animal activity sponsor.

34 e. Participating or assisting a participant in a
35 domesticated animal event.

- 1 f. Managing or assisting in managing a domesticated animal
2 in a domesticated animal event.
- 3 g. Inspecting or assisting an inspection of a domesticated
4 animal for the purpose of purchase.
- 5 h. Providing hoof care including, but not limited to,
6 horseshoeing.
- 7 i. Providing or assisting in providing veterinary care to
8 a domesticated animal.
- 9 j. Boarding a domesticated animal.
- 10 k. Loading, hauling, or transporting a domesticated
11 animal.
- 12 l. Breeding domesticated animals.
- 13 m. Participating in racing, including horse racing at a
14 facility licensed for that purpose pursuant to chapter 99D.
- 15 4. "Domesticated animal activity sponsor" means a person
16 who owns, organizes, manages, or provides facilities for a
17 domesticated animal activity, including, but not limited to,
18 any of the following:
- 19 a. Clubs involved in riding, hunting, competing, or
20 performing.
- 21 b. A facility involved in horse racing and licensed
22 pursuant to chapter 99D.
- 23 c. Youth clubs, including 4-H clubs.
- 24 d. Educational institutions.
- 25 e. Owners, operators, instructors, and promoters of a
26 domesticated animal event or domesticated animal facility,
27 including, but not limited to, stables, boarding facilities,
28 clubhouses, rides, fairs, and arenas.
- 29 f. Breeding farms.
- 30 g. Training farms.
- 31 5. "Domesticated animal event" means an event in which a
32 domesticated animal activity occurs, including, but not
33 limited to, any of the following:
- 34 a. A fair.
- 35 b. A rodeo.

- 1 c. An exposition.
- 2 d. A show.
- 3 e. A competition.
- 4 f. A 4-H event.
- 5 g. A sporting event.
- 6 h. An event involving driving, pulling, or cutting.
- 7 i. Hunting.
- 8 j. An equine event or discipline including, but not
- 9 limited to, dressage, a hunter or jumper show, polo,
- 10 steeplechasing, English or western performance riding, a
- 11 western game, or trail riding.

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

- 15 a. Instructing a participant.
- 16 b. Renting the use of a domesticated animal to a
- 17 participant for the purposes of riding, driving, or being a
- 18 passenger on a domesticated animal or a vehicle powered by a
- 19 domesticated animal.

20 c. Renting equipment or tack to a participant.

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

25 a. The propensity of a domesticated animal to behave in a
26 manner that is reasonably foreseeable to result in damages to
27 property, or injury or death to a person.

28 b. Risks generally associated with an activity which may
29 include injuries caused by bucking, biting, stumbling,
30 rearing, trampling, scratching, pecking, falling, or butting.

31 c. The unpredictable reaction by a domesticated animal to
32 unfamiliar conditions, including, but not limited to, a sudden
33 movement; loud noise; an unfamiliar environment; or the
34 introduction of unfamiliar persons, animals, or objects.

35 d. A condition or treatment considered hazardous to the

1 welfare of the domesticated animal.

2 e. A collision by the domesticated animal with an object
3 or animal.

4 f. The failure of a participant to exercise reasonable
5 care, take adequate precautions, or use adequate control when
6 engaging in the activity, including failing to maintain
7 reasonable control or failing to act in a manner consistent
8 with the person's abilities.

9 8. "Participant" means a person who engages in a
10 domesticated animal activity, regardless of whether the person
11 receives compensation. A participant does not include a
12 person who is a spectator, unless the person is in immediate
13 proximity to the activity involving a domesticated animal.

14 Sec. 2. NEW SECTION. 673.2 LIABILITY.

15 1. Except as provided in this section, a participant
16 assumes the inherent risks of engaging in a domesticated
17 animal activity. A person, including a domesticated animal
18 professional or a domesticated animal activity sponsor, is not
19 liable for the damages, injury, or death suffered by a
20 participant resulting from the inherent risks of a
21 domesticated animal activity.

22 2. Subsection 1 does not apply to the extent a claim is
23 based on a defendant doing any of the following:

24 a. Providing a participant with equipment or tack if the
25 defendant knew or reasonably should have known that the
26 equipment or tack was defective or faulty.

27 b. Failing to make reasonable and prudent efforts to
28 determine the participant's ability to safely manage a
29 specific horse, based on the participant's representation of
30 ability.

31 c. Failing to notify a participant of a known dangerous
32 latent condition on real property in which the person holds an
33 interest. The notice may be made by posting a clearly visible
34 warning sign on the property.

35 d. Committing an act or omission that is not consistent

1 with the standard of care practiced by a person engaged in the
2 same type of domesticated animal activity in the same
3 locality, including a domesticated animal activity sponsor or
4 a domesticated animal activity professional.

5 e. Committing an act that constitutes a willful or wanton
6 disregard for the participant's safety.

7 f. Committing an act intentionally to cause damages,
8 injury, or death.

9 3. Subsection 1 does not apply to the extent that a claim
10 is based on a defect in the design, testing, manufacturing,
11 formulation, packaging, warning, or labeling of a product.

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

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

24 WARNING

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

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

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

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

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

20 EXPLANATION

21 This bill limits the liability of persons involved with
22 animals classified as domesticated animals, including
23 livestock and certain exotic animals. A person who
24 participates in an activity involving a domesticated animal is
25 barred from bringing a claim arising from inherent risks
26 associated with the activity, including the propensity of a
27 domesticated animal to behave in a manner that is reasonably
28 foreseeable to result in injury or death to a person; the
29 unpredictability of a domesticated animal's reaction to
30 unfamiliar conditions; a condition or treatment considered
31 hazardous to the welfare of the domesticated animal; a
32 collision with an object or animal; or the failure of a
33 participant to exercise reasonable care, take adequate
34 precautions, or use adequate control when engaging in an
35 activity involving the domesticated animal.

1 The bill does provide that a person may bring a claim based
2 on damages, injury, or death arising from special
3 circumstances, including the receipt of faulty equipment or
4 tack; a person's failure to make reasonable and prudent
5 efforts to determine the participant's ability to safely
6 manage a specific animal; the failure of a person to notify a
7 participant of a known dangerous latent condition on property
8 owned or controlled by a person; the commission of an act that
9 constitutes a willful or wanton disregard for the
10 participant's safety; the commission of an act to
11 intentionally cause damages, injury, or death; the commission
12 of an act or omission that is not consistent with the
13 standards of care practiced by a person engaged in the same
14 type of activity; or a defect in the design, testing,
15 manufacturing, formulation, packaging, warning, or labeling of
16 a product.

17 The bill also requires that a domesticated animal
18 professional must provide notice that the professional is not
19 liable for damages, an injury to, or the death of a person
20 which results from the inherent risks of activities associated
21 with the domesticated animal. A domesticated animal
22 professional is a person involved in instructing a
23 participant, renting the use of a domesticated animal, or
24 renting the use of equipment or tack relating to a
25 domesticated animal activity.

26
27
28
29
30
31
32
33
34
35

Roswell - Chair
Fraise
Bartz

SSB-15

Agriculture

SENATE FILE *Succeeded By*
36
BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON PRIEBE)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the liability of persons involved in
2 domesticated animal activities.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23

1 Section 1. NEW SECTION. 673.1 DEFINITIONS.

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

6 2. "Domesticated animal" means an animal commonly or
7 customarily produced in this state for purposes of providing a
8 product, including food, leather, fur, feathers, or fiber, or
9 providing services related to transportation or agricultural
10 production, which is any of the following:

11 a. A mammal belonging to a species within taxonomic
12 families or genera, commonly referred to as bovine, caprine,
13 equine, ovine, or porcine.

14 b. Poultry belonging to an order which is domesticated,
15 including ducks, geese, swans, chickens, and turkeys, or an
16 order which has a ratite sternum, including ostriches, rheas,
17 and emus.

18 c. A mammal belonging to the taxonomic family cervidae and
19 classified as part of the dama species of the dama genus, or
20 part of the elaphus species of the cervus genus.

21 d. A mammal classified as a hopping lagomorphs within the
22 taxonomic family leporidae.

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

25 a. Riding or driving a domesticated animal, whether
26 mounted or unmounted.

27 b. Riding as a passenger on a vehicle powered by a
28 domesticated animal.

29 c. Teaching or training a person to ride or drive a
30 domesticated animal or a vehicle powered by a domesticated
31 animal.

32 d. Participating in an activity sponsored by a
33 domesticated animal activity sponsor.

34 e. Participating or assisting a participant in a
35 domesticated animal event.

- 1 f. Managing or assisting in managing a domesticated animal
2 in a domesticated animal event.
- 3 g. Inspecting or assisting an inspection of a domesticated
4 animal for the purpose of purchase.
- 5 h. Providing hoof care including, but not limited to,
6 horseshoeing.
- 7 i. Providing or assisting in providing veterinary care to
8 a domesticated animal.
- 9 j. Boarding a domesticated animal.
- 10 k. Loading, hauling, or transporting a domesticated
11 animal.
- 12 l. Breeding domesticated animals.
- 13 m. Participating in racing, including horse racing at a
14 facility licensed for that purpose pursuant to chapter 99D.
- 15 4. "Domesticated animal activity sponsor" means a person
16 who owns, organizes, manages, or provides facilities for a
17 domesticated animal activity, including, but not limited to,
18 any of the following:
- 19 a. Clubs involved in riding, hunting, competing, or
20 performing.
- 21 b. A facility involved in horse racing and licensed
22 pursuant to chapter 99D.
- 23 c. Youth clubs, including 4-H clubs.
- 24 d. Educational institutions.
- 25 e. Owners, operators, instructors, and promoters of a
26 domesticated animal event or domesticated animal facility,
27 including, but not limited to, stables, boarding facilities,
28 clubhouses, rides, fairs, and arenas.
- 29 f. Breeding farms.
- 30 g. Training farms.
- 31 5. "Domesticated animal event" means an event in which a
32 domesticated animal activity occurs, including, but not
33 limited to, any of the following:
- 34 a. A fair.
- 35 b. A rodeo.

- 1 c. An exposition.
- 2 d. A show.
- 3 e. A competition.
- 4 f. A 4-H event.
- 5 g. A sporting event.
- 6 h. An event involving driving, pulling, or cutting.
- 7 i. Hunting.
- 8 j. An equine event or discipline including, but not
- 9 limited to, dressage, a hunter or jumper show, polo,
- 10 steeplechasing, English or western performance riding, a
- 11 western game, or trail riding.
- 12 6. "Domesticated animal professional" means a person who
- 13 receives compensation for engaging in a domesticated animal
- 14 activity by doing one of the following:
- 15 a. Instructing a participant.
- 16 b. Renting the use of a domesticated animal to a
- 17 participant for the purposes of riding, driving, or being a
- 18 passenger on a domesticated animal or a vehicle powered by a
- 19 domesticated animal.
- 20 c. Renting equipment or tack to a participant.
- 21 7. "Inherent risks of a domesticated animal activity"
- 22 means a danger or condition which is an integral part of a
- 23 domesticated animal activity, including, but not limited to,
- 24 the following:
- 25 a. The propensity of a domesticated animal to behave in a
- 26 manner that is reasonably foreseeable to result in damages to
- 27 property, or injury or death to a person.
- 28 b. Risks generally associated with an activity which may
- 29 include injuries caused by bucking, biting, stumbling,
- 30 rearing, trampling, scratching, pecking, falling, or butting.
- 31 c. The unpredictable reaction by a domesticated animal to
- 32 unfamiliar conditions, including, but not limited to, a sudden
- 33 movement; loud noise; an unfamiliar environment; or the
- 34 introduction of unfamiliar persons, animals, or objects.
- 35 d. A condition or treatment considered hazardous to the

1 welfare of the domesticated animal.

2 e. A collision by the domesticated animal with an object
3 or animal.

4 f. The failure of a participant to exercise reasonable
5 care, take adequate precautions, or use adequate control when
6 engaging in the activity, including failing to maintain
7 reasonable control or failing to act in a manner consistent
8 with the person's abilities.

9 8. "Participant" means a person who engages in a
10 domesticated animal activity, regardless of whether the person
11 receives compensation. A participant does not include a
12 person who is a spectator, unless the person is in immediate
13 proximity to the activity involving a domesticated animal.

14 Sec. 2. NEW SECTION. 673.2 LIABILITY.

15 1. Except as provided in this section, a participant
16 assumes the inherent risks of engaging in a domesticated
17 animal activity. A person, including a domesticated animal
18 professional or a domesticated animal activity sponsor, is not
19 liable for the damages, injury, or death suffered by a
20 participant resulting from the inherent risks of a
21 domesticated animal activity.

22 2. Subsection 1 does not apply to the extent a claim is
23 based on a defendant doing any of the following:

24 a. Providing a participant with equipment or tack if the
25 defendant knew or reasonably should have known that the
26 equipment or tack was defective or faulty.

27 b. Failing to make reasonable and prudent efforts to
28 determine the participant's ability to safely manage a
29 specific horse, based on the participant's representation of
30 ability.

31 c. Failing to notify a participant of a known dangerous
32 latent condition on real property in which the person holds an
33 interest. The notice may be made by posting a clearly visible
34 warning sign on the property.

35 d. Committing an act or omission that is not consistent

1 with the standard of care practiced by a person engaged in the
2 same type of domesticated animal activity in the same
3 locality, including a domesticated animal activity sponsor or
4 a domesticated animal activity professional.

5 e. Committing an act that constitutes a willful or wanton
6 disregard for the participant's safety.

7 f. Committing an act intentionally to cause damages,
8 injury, or death.

9 3. Subsection 1 does not apply to the extent that a claim
10 is based on a defect in the design, testing, manufacturing,
11 formulation, packaging, warning, or labeling of a product.

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

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

24

WARNING

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

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

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

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

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

20 EXPLANATION

21 This bill limits the liability of persons involved with
22 animals classified as domesticated animals, including
23 livestock and certain exotic animals. A person who
24 participates in an activity involving a domesticated animal is
25 barred from bringing a claim arising from inherent risks
26 associated with the activity, including the propensity of a
27 domesticated animal to behave in a manner that is reasonably
28 foreseeable to result in injury or death to a person; the
29 unpredictability of a domesticated animal's reaction to
30 unfamiliar conditions; a condition or treatment considered
31 hazardous to the welfare of the domesticated animal; a
32 collision with an object or animal; or the failure of a
33 participant to exercise reasonable care, take adequate
34 precautions, or use adequate control when engaging in an
35 activity involving the domesticated animal.

1 The bill does provide that a person may bring a claim based
2 on damages, injury, or death arising from special
3 circumstances, including the receipt of faulty equipment or
4 tack; a person's failure to make reasonable and prudent
5 efforts to determine the participant's ability to safely
6 manage a specific animal; the failure of a person to notify a
7 participant of a known dangerous latent condition on property
8 owned or controlled by a person; the commission of an act that
9 constitutes a willful or wanton disregard for the
10 participant's safety; the commission of an act to
11 intentionally cause damages, injury, or death; the commission
12 of an act or omission that is not consistent with the
13 standards of care practiced by a person engaged in the same
14 type of activity; or a defect in the design, testing,
15 manufacturing, formulation, packaging, warning, or labeling of
16 a product.

17 The bill also requires that a domesticated animal
18 professional must provide notice that the professional is not
19 liable for damages, an injury to, or the death of a person
20 which results from the inherent risks of activities associated
21 with the domesticated animal. A domesticated animal
22 professional is a person involved in instructing a
23 participant, renting the use of a domesticated animal, or
24 renting the use of equipment or tack relating to a
25 domesticated animal activity.

26
27
28
29
30
31
32
33
34
35