

# Senate Study Bill 15

## Conference Committee Text

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1 1 Section 1. NEW SECTION. 673.1 DEFINITIONS.  
1 2 1. "Claim" means a claim, counterclaim, cross-claim,  
1 3 complaint, or cause of action recognized by the Iowa rules of  
1 4 civil procedure and brought in court on account of damage to  
1 5 or loss of property or on account of personal injury or death.  
1 6 2. "Domesticated animal" means an animal commonly or  
1 7 customarily produced in this state for purposes of providing a  
1 8 product, including food, leather, fur, feathers, or fiber, or  
1 9 providing services related to transportation or agricultural  
1 10 production, which is any of the following:  
1 11 a. A mammal belonging to a species within taxonomic  
1 12 families or genera, commonly referred to as bovine, caprine,  
1 13 equine, ovine, or porcine.  
1 14 b. Poultry belonging to an order which is domesticated,  
1 15 including ducks, geese, swans, chickens, and turkeys, or an  
1 16 order which has a ratite sternum, including ostriches, rheas,  
1 17 and emus.  
1 18 c. A mammal belonging to the taxonomic family cervidae and  
1 19 classified as part of the dama species of the dama genus, or  
1 20 part of the elaphus species of the cervus genus.  
1 21 d. A mammal classified as a hopping lagomorphis within the  
1 22 taxonomic family leporidae.  
1 23 3. "Domesticated animal activity" means any of the  
1 24 following:  
1 25 a. Riding or driving a domesticated animal, whether  
1 26 mounted or unmounted.  
1 27 b. Riding as a passenger on a vehicle powered by a  
1 28 domesticated animal.  
1 29 c. Teaching or training a person to ride or drive a  
1 30 domesticated animal or a vehicle powered by a domesticated  
1 31 animal.  
1 32 d. Participating in an activity sponsored by a  
1 33 domesticated animal activity sponsor.  
1 34 e. Participating or assisting a participant in a  
1 35 domesticated animal event.  
2 1 f. Managing or assisting in managing a domesticated animal  
2 2 in a domesticated animal event.  
2 3 g. Inspecting or assisting an inspection of a domesticated  
2 4 animal for the purpose of purchase.  
2 5 h. Providing hoof care including, but not limited to,  
2 6 horseshoeing.  
2 7 i. Providing or assisting in providing veterinary care to  
2 8 a domesticated animal.  
2 9 j. Boarding a domesticated animal.  
2 10 k. Loading, hauling, or transporting a domesticated  
2 11 animal.  
2 12 l. Breeding domesticated animals.  
2 13 m. Participating in racing, including horse racing at a  
2 14 facility licensed for that purpose pursuant to chapter 99D.  
2 15 4. "Domesticated animal activity sponsor" means a person  
2 16 who owns, organizes, manages, or provides facilities for a  
2 17 domesticated animal activity, including, but not limited to,  
2 18 any of the following:  
2 19 a. Clubs involved in riding, hunting, competing, or  
2 20 performing.  
2 21 b. A facility involved in horse racing and licensed

2 22 pursuant to chapter 99D.  
2 23 c. Youth clubs, including 4-H clubs.  
2 24 d. Educational institutions.  
2 25 e. Owners, operators, instructors, and promoters of a  
2 26 domesticated animal event or domesticated animal facility,  
2 27 including, but not limited to, stables, boarding facilities,  
2 28 clubhouses, rides, fairs, and arenas.  
2 29 f. Breeding farms.  
2 30 g. Training farms.  
2 31 5. "Domesticated animal event" means an event in which a  
2 32 domesticated animal activity occurs, including, but not  
2 33 limited to, any of the following:  
2 34 a. A fair.  
2 35 b. A rodeo.  
3 1 c. An exposition.  
3 2 d. A show.  
3 3 e. A competition.  
3 4 f. A 4-H event.  
3 5 g. A sporting event.  
3 6 h. An event involving driving, pulling, or cutting.  
3 7 i. Hunting.  
3 8 j. An equine event or discipline including, but not  
3 9 limited to, dressage, a hunter or jumper show, polo,  
3 10 steeplechasing, English or western performance riding, a  
3 11 western game, or trail riding.  
3 12 6. "Domesticated animal professional" means a person who  
3 13 receives compensation for engaging in a domesticated animal  
3 14 activity by doing one of the following:  
3 15 a. Instructing a participant.  
3 16 b. Renting the use of a domesticated animal to a  
3 17 participant for the purposes of riding, driving, or being a  
3 18 passenger on a domesticated animal or a vehicle powered by a  
3 19 domesticated animal.  
3 20 c. Renting equipment or tack to a participant.  
3 21 7. "Inherent risks of a domesticated animal activity"  
3 22 means a danger or condition which is an integral part of a  
3 23 domesticated animal activity, including, but not limited to,  
3 24 the following:  
3 25 a. The propensity of a domesticated animal to behave in a  
3 26 manner that is reasonably foreseeable to result in damages to  
3 27 property, or injury or death to a person.  
3 28 b. Risks generally associated with an activity which may  
3 29 include injuries caused by bucking, biting, stumbling,  
3 30 rearing, trampling, scratching, pecking, falling, or butting.  
3 31 c. The unpredictable reaction by a domesticated animal to  
3 32 unfamiliar conditions, including, but not limited to, a sudden  
3 33 movement; loud noise; an unfamiliar environment; or the  
3 34 introduction of unfamiliar persons, animals, or objects.  
3 35 d. A condition or treatment considered hazardous to the  
4 1 welfare of the domesticated animal.  
4 2 e. A collision by the domesticated animal with an object  
4 3 or animal.  
4 4 f. The failure of a participant to exercise reasonable  
4 5 care, take adequate precautions, or use adequate control when  
4 6 engaging in the activity, including failing to maintain  
4 7 reasonable control or failing to act in a manner consistent  
4 8 with the person's abilities.  
4 9 8. "Participant" means a person who engages in a  
4 10 domesticated animal activity, regardless of whether the person  
4 11 receives compensation. A participant does not include a  
4 12 person who is a spectator, unless the person is in immediate  
4 13 proximity to the activity involving a domesticated animal.  
4 14 Sec. 2. NEW SECTION. 673.2 LIABILITY.  
4 15 1. Except as provided in this section, a participant  
4 16 assumes the inherent risks of engaging in a domesticated  
4 17 animal activity. A person, including a domesticated animal  
4 18 professional or a domesticated animal activity sponsor, is not

4 19 liable for the damages, injury, or death suffered by a  
4 20 participant resulting from the inherent risks of a  
4 21 domesticated animal activity.

4 22 2. Subsection 1 does not apply to the extent a claim is  
4 23 based on a defendant doing any of the following:

4 24 a. Providing a participant with equipment or tack if the  
4 25 defendant knew or reasonably should have known that the  
4 26 equipment or tack was defective or faulty.

4 27 b. Failing to make reasonable and prudent efforts to  
4 28 determine the participant's ability to safely manage a  
4 29 specific horse, based on the participant's representation of  
4 30 ability.

4 31 c. Failing to notify a participant of a known dangerous  
4 32 latent condition on real property in which the person holds an  
4 33 interest. The notice may be made by posting a clearly visible  
4 34 warning sign on the property.

4 35 d. Committing an act or omission that is not consistent  
5 1 with the standard of care practiced by a person engaged in the  
5 2 same type of domesticated animal activity in the same  
5 3 locality, including a domesticated animal activity sponsor or  
5 4 a domesticated animal activity professional.

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

5 7 f. Committing an act intentionally to cause damages,  
5 8 injury, or death.

5 9 3. Subsection 1 does not apply to the extent that a claim  
5 10 is based on a defect in the design, testing, manufacturing,  
5 11 formulation, packaging, warning, or labeling of a product.

5 12 Sec. 3. NEW SECTION. 673.3 NOTICE REQUIRED.

5 13 A domesticated animal professional shall post and maintain  
5 14 a sign on real property in which the professional holds an  
5 15 interest, if the professional conducts domesticated animal  
5 16 activities on the property. The location of the sign may be  
5 17 near or on a stable, corral, or arena owned or controlled by  
5 18 the domesticated animal professional. The sign must be  
5 19 clearly visible to a participant. This section does not  
5 20 require a sign to be posted on a domesticated animal or a  
5 21 vehicle powered by a domesticated animal. The notice shall  
5 22 appear in black letters a minimum of one inch high and in the  
5 23 following form:

5 24 **WARNING**

5 25 UNDER IOWA LAW, A DOMESTICATED ANIMAL PROFESSIONAL IS NOT  
5 26 LIABLE FOR DAMAGES SUFFERED BY, AN INJURY TO, OR THE DEATH OF  
5 27 A PARTICIPANT RESULTING FROM THE INHERENT RISKS OF  
5 28 DOMESTICATED ANIMAL ACTIVITIES, PURSUANT TO IOWA CODE CHAPTER  
5 29 673. YOU ARE ASSUMING INHERENT RISKS OF PARTICIPATING IN THIS  
5 30 DOMESTICATED ANIMAL ACTIVITY.

5 31 If a written contract is executed between a domesticated  
5 32 animal professional and a participant involving domesticated  
5 33 animal activities, the contract shall contain the same notice  
5 34 in clearly readable print. In addition, the contract shall  
5 35 include the following disclaimer:

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

6 8 The animal may act unpredictably to conditions, including,  
6 9 but not limited to, a sudden movement; loud noise; an  
6 10 unfamiliar environment; or the introduction of unfamiliar  
6 11 persons, animals, or objects.

6 12 The animal may also react in a dangerous manner when a  
6 13 condition or treatment is considered hazardous to the welfare  
6 14 of the domesticated animal; a collision occurs with an object  
6 15 or animal; or a participant fails to exercise reasonable care,

6 16 take adequate precautions, or use adequate control when  
6 17 engaging in a domesticated animal activity, including failing  
6 18 to maintain reasonable control of the animal or failing to act  
6 19 in a manner consistent with the person's abilities.

6 20 EXPLANATION

6 21 This bill limits the liability of persons involved with  
6 22 animals classified as domesticated animals, including  
6 23 livestock and certain exotic animals. A person who  
6 24 participates in an activity involving a domesticated animal is  
6 25 barred from bringing a claim arising from inherent risks  
6 26 associated with the activity, including the propensity of a  
6 27 domesticated animal to behave in a manner that is reasonably  
6 28 foreseeable to result in injury or death to a person; the  
6 29 unpredictability of a domesticated animal's reaction to  
6 30 unfamiliar conditions; a condition or treatment considered  
6 31 hazardous to the welfare of the domesticated animal; a  
6 32 collision with an object or animal; or the failure of a  
6 33 participant to exercise reasonable care, take adequate  
6 34 precautions, or use adequate control when engaging in an  
6 35 activity involving the domesticated animal.

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

7 17 The bill also requires that a domesticated animal  
7 18 professional must provide notice that the professional is not  
7 19 liable for damages, an injury to, or the death of a person  
7 20 which results from the inherent risks of activities associated  
7 21 with the domesticated animal. A domesticated animal  
7 22 professional is a person involved in instructing a  
7 23 participant, renting the use of a domesticated animal, or  
7 24 renting the use of equipment or tack relating to a  
7 25 domesticated animal activity.

7 26 LSB 1608SC 76

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