

REPRINTED

JAN 31 1997
Agriculture

2-13-97 *amended Pass*
w/H-1029
2-18-97 *Referred to Judiciary*
objection Raised
Bill Passed
HOUSE FILE 132 *S-2/18/97 Agrees.*
S-4-1-97 Pass

BY O'BRIEN, GREIG, HAHN,
GREINER, DRAKE, MAY,
LARKIN, ARNOLD, MUNDIE,
MERTZ, KLEMME, BARRY,
TYRRELL, HEATON, WELTER,
VANDE HOEF, HOUSER, DREES,
FREVERT, HUSEMAN, GRIES,
MYERS, DOLECHECK, KOENIGS,
COHOON, BRADLEY, WEIDMAN,
WITT, EDDIE, MEYER,
VAN MAANEN, DOTZLER,
JOCHUM, FOEGE, RICHARDSON,
BOGGESS, and GARMAN

Passed House, Date 2/18/97 *(P.349)* Passed Senate, Date 4-9-97
Vote: Ayes 69 Nays 30 Vote: Ayes 49 Nays 0
Approved April 22, 1997

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:
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HF 132

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 referred
7 to as a bovine, swine, sheep, goat, domesticated deer, llama,
8 poultry, rabbit, horse, pony, mule, jenny, donkey, or hinny.

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

11 a. Riding or driving a domesticated animal.

12 b. Riding as a passenger on a vehicle powered by a
13 domesticated animal.

14 c. Teaching or training a person to ride or drive a
15 domesticated animal or a vehicle powered by a domesticated
16 animal.

17 d. Participating in an activity sponsored by a
18 domesticated animal activity sponsor.

19 e. Participating or assisting a participant in a
20 domesticated animal event.

21 f. Managing or assisting in managing a domesticated animal
22 in a domesticated animal event.

23 g. Inspecting or assisting an inspection of a domesticated
24 animal for the purpose of purchase.

25 h. Providing hoof care including, but not limited to,
26 horseshoeing.

27 i. Providing or assisting in providing veterinary care to
28 a domesticated animal.

29 j. Boarding or keeping a domesticated animal, by the owner
30 of the domesticated animal or on behalf of another person.

31 k. Loading, hauling, or transporting a domesticated
32 animal.

33 l. Breeding domesticated animals.

34 m. Participating in racing.

35 n. Showing or displaying a domesticated animal.

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

5 a. Clubs involved in riding, hunting, competing, or
6 performing.

7 b. Youth clubs, including 4-H clubs.

8 c. Educational institutions.

9 d. Owners, operators, instructors, and promoters of a
10 domesticated animal event or domesticated animal facility,
11 including, but not limited to, stables, boarding facilities,
12 clubhouses, rides, fairs, and arenas.

13 e. Breeding farms.

14 f. Training farms.

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

18 a. A fair.

19 b. A rodeo.

20 c. An exposition.

21 d. A show.

22 e. A competition.

23 f. A 4-H event.

24 g. A sporting event.

25 h. An event involving driving, pulling, or cutting.

26 i. Hunting.

27 j. An equine event or discipline including, but not
28 limited to, dressage, a hunter or jumper show, polo,
29 steeplechasing, English or western performance riding, a
30 western game, or trail riding.

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

34 a. Instructing a participant.

35 b. Renting the use of a domesticated animal to a

1 participant for the purposes of riding, driving, or being a
2 passenger on a domesticated animal or a vehicle powered by a
3 domesticated animal.

4 c. Renting equipment or tack to a participant.

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

9 a. The propensity of a domesticated animal to behave in a
10 manner that is reasonably foreseeable to result in damages to
11 property, or injury or death to a person.

12 b. Risks generally associated with an activity which may
13 include injuries caused by bucking, biting, stumbling,
14 rearing, trampling, scratching, pecking, falling, kicking, or
15 butting.

16 c. The unpredictable reaction by a domesticated animal to
17 unfamiliar conditions, including, but not limited to, a sudden
18 movement; loud noise; an unfamiliar environment; or the
19 introduction of unfamiliar persons, animals, or objects.

20 d. A condition or treatment considered hazardous to the
21 welfare of the domesticated animal.

22 e. A collision by the domesticated animal with an object
23 or animal.

24 f. The failure of a participant to exercise reasonable
25 care, take adequate precautions, or use adequate control when
26 engaging in the activity, including failing to maintain
27 reasonable control or failing to act in a manner consistent
28 with the person's abilities.

29 8. "Participant" means a person who does either of the
30 following:

31 a. Engages in a domesticated animal activity, regardless
32 of whether the person receives compensation.

33 b. Places the person in the immediate proximity to the
34 activity involving a domesticated animal.

35 Sec. 2. NEW SECTION. 673.2 LIABILITY.

1 1. Except as otherwise provided in this section, a
2 participant assumes the inherent risks of engaging in a
3 domesticated animal activity. A person, including a
4 domesticated animal professional or a domesticated animal
5 activity sponsor, is not liable for the damages, injury, or
6 death suffered by a participant resulting from the inherent
7 risks of a domesticated animal activity.

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

10 a. Providing a participant with equipment or tack if the
11 defendant knew or reasonably should have known that the
12 equipment or tack was defective or faulty.

13 b. Failing to notify a participant of a known dangerous
14 latent condition on real property in which the person holds an
15 interest. The notice may be made by posting a clearly visible
16 warning sign on the property.

17 c. Committing an act intentionally to cause damages,
18 injury, or death.

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

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

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

34 WARNING
35 UNDER IOWA LAW, A DOMESTICATED ANIMAL PROFESSIONAL IS NOT

1 LIABLE FOR DAMAGES SUFFERED BY, AN INJURY TO, OR THE DEATH OF
2 A PARTICIPANT RESULTING FROM THE INHERENT RISKS OF
3 DOMESTICATED ANIMAL ACTIVITIES, PURSUANT TO IOWA CODE CHAPTER
4 673. YOU ARE ASSUMING INHERENT RISKS OF PARTICIPATING IN THIS
5 DOMESTICATED ANIMAL ACTIVITY.

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

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

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

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

31 EXPLANATION

32 This bill limits the liability of persons involved with
33 animals classified as domesticated animals, including
34 livestock. A person who participates in an activity involving
35 a domesticated animal is barred from bringing a claim arising

1 from inherent risks associated with the activity, including
2 the propensity of a domesticated animal to behave in a manner
3 that is reasonably foreseeable to result in injury or death to
4 a person; the unpredictability of a domesticated animal's
5 reaction to unfamiliar conditions; a condition or treatment
6 considered hazardous to the welfare of the domesticated
7 animal; a collision with an object or animal; or the failure
8 of a participant to exercise reasonable care, take adequate
9 precautions, or use adequate control when engaging in an
10 activity involving the domesticated animal.

11 The bill does provide that a person may bring a claim based
12 on damages, injury, or death arising from special
13 circumstances, including the receipt of faulty equipment or
14 tack; the failure of a person to notify a participant of a
15 known dangerous latent condition on real property owned or
16 controlled by a person; the commission of an act to
17 intentionally cause damages, injury, or death; or a defect in
18 the design, testing, manufacturing, formulation, packaging,
19 warning, or labeling of a product.

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

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HOUSE FILE 132

BY O'BRIEN, GREIG, HAHN,
GREINER, DRAKE, MAY,
LARKIN, ARNOLD, MUNDIE,
MERTZ, KLEMME, BARRY,
TYRRELL, HEATON, WELTER,
VANDE HOEF, HOUSER, DREES,
FREVERT, HUSEMAN, GRIES,
MYERS, DOLECHECK, KOENIGS,
COHOON, BRADLEY, WEIDMAN,
WITT, EDDIE, MEYER,
VAN MAANEN, DOTZLER,
JOCHUM, FOEGE, RICHARDSON,
BOGGESS, and GARMAN

(As Amended and Passed by the House, February 18, 1997)

Passed House, Date _____ Passed Senate, Date (P.1086) 4-9-97
Vote: Ayes _____ Nays _____ Vote: Ayes 49 Nays 0
Approved April 22, 1997

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:

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House Amendments _____
Deleted Language *

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 referred
7 to as a bovine, swine, sheep, goat, domesticated deer, llama,
8 poultry, rabbit, horse, pony, mule, jenny, donkey, or hinny.

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

11 a. Riding or driving a domesticated animal.

12 b. Riding as a passenger on a vehicle powered by a
13 domesticated animal.

14 c. Teaching or training a person to ride or drive a
15 domesticated animal or a vehicle powered by a domesticated
16 animal.

17 d. Participating in an activity sponsored by a
18 domesticated animal activity sponsor.

19 e. Participating or assisting a participant in a
20 domesticated animal event.

21 f. Managing or assisting in managing a domesticated animal
22 in a domesticated animal event.

23 g. Inspecting or assisting an inspection of a domesticated
24 animal for the purpose of purchase.

25 h. Providing hoof care including, but not limited to,
26 horseshoeing.

27 i. Providing or assisting in providing veterinary care to
28 a domesticated animal.

29 j. Boarding or keeping a domesticated animal, by the owner
30 of the domesticated animal or on behalf of another person.

31 k. Loading, hauling, or transporting a domesticated
32 animal.

33 l. Breeding domesticated animals.

34 m. Participating in racing.

35 n. Showing or displaying a domesticated animal.

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

5 a. Clubs involved in riding, hunting, competing, or
6 performing.

7 b. Youth clubs, including 4-H clubs.

8 c. Educational institutions.

9 d. Owners, operators, instructors, and promoters of a
10 domesticated animal event or domesticated animal facility,
11 including, but not limited to, stables, boarding facilities,
12 clubhouses, rides, fairs, and arenas.

13 e. Breeding farms.

14 f. Training farms.

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

18 a. A fair.

19 b. A rodeo.

20 c. An exposition.

21 d. A show.

22 e. A competition.

23 f. A 4-H event.

24 g. A sporting event.

25 h. An event involving driving, pulling, or cutting.

26 i. Hunting.

27 j. An equine event or discipline including, but not
28 limited to, dressage, a hunter or jumper show, polo,
29 steeplechasing, English or western performance riding, a
30 western game, or trail riding.

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

34 a. Instructing a participant.

35 b. Renting the use of a domesticated animal to a

1 participant for the purposes of riding, driving, or being a
2 passenger on a domesticated animal or a vehicle powered by a
3 domesticated animal.

4 c. Renting equipment or tack to a participant.

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

9 a. The propensity of a domesticated animal to behave in a
10 manner that is reasonably foreseeable to result in damages to
11 property, or injury or death to a person.

12 b. Risks generally associated with an activity which may
13 include injuries caused by bucking, biting, stumbling,
14 rearing, trampling, scratching, pecking, falling, kicking, or
15 butting.

16 c. The unpredictable reaction by a domesticated animal to
17 unfamiliar conditions, including, but not limited to, a sudden
18 movement; loud noise; an unfamiliar environment; or the
19 introduction of unfamiliar persons, animals, or objects.

* 20 d. A collision by the domesticated animal with an object
21 or animal.

22 e. The failure of a participant to exercise reasonable
23 care, take adequate precautions, or use adequate control when
24 engaging in the activity, including failing to maintain
25 reasonable control or failing to act in a manner consistent
26 with the person's abilities.

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

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

32 Sec. 2. NEW SECTION. 673.2 LIABILITY.

33 A person, including a domesticated animal professional,
34 domesticated animal activity sponsor, the owner of the
35 domesticated animal, or a person exhibiting the domesticated

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

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

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

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

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

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

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

28 A domesticated animal professional shall post and maintain
29 a sign on real property in which the professional holds an
30 interest, if the professional conducts domesticated animal
31 activities on the property. The location of the sign may be
32 near or on a stable, corral, or arena owned or controlled by
33 the domesticated animal professional. The sign must be
34 clearly visible to a participant. This section does not
35 require a sign to be posted on a domesticated animal or a

1 vehicle powered by a domesticated animal. The notice shall
2 appear in black letters a minimum of one inch high and in the
3 following form:

4 WARNING

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

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

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

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

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

HOUSE FILE 132

-1029

- 1 Amend House File 132 as follows:
2 1. Page 3, by striking lines 20 and 21.
3 2. Page 3, by striking lines 29 through 34 and
4 inserting the following:
5 "____. "Participant" means a person who engages in
6 a domesticated animal activity, regardless of whether
7 the person receives compensation.
8 _____. "Spectator" means a person who is in the
9 vicinity of a domesticated animal activity, but who is
10 not a participant."
11 3. Page 4, by striking lines 1 through 21 and
12 inserting the following:
13 "A person, including a domesticated animal
14 professional, domesticated animal activity sponsor,
15 the owner of the domesticated animal, or a person
16 exhibiting the domesticated animal, is not liable for
17 the damages, injury, or death suffered by a
18 participant or spectator resulting from the inherent
19 risks of a domesticated animal activity. This section
20 shall not apply to the extent that the claim for
21 damages, injury, or death is caused by any of the
22 following:
23 1. An act committed intentionally or while under
24 the influence of an alcoholic beverage or other drug
25 or a combination of such substances which causes
26 damages, injury, or death.
27 2. The use of equipment or tack used in the
28 domesticated animal activity which the defendant
29 provided to a participant, if the defendant knew or
30 reasonably should have known that the equipment or
31 tack was faulty or defective.
32 3. The failure to notify a participant of a
33 dangerous latent condition on real property in which
34 the defendant holds an interest, which is known or
35 should have been known. The notice may be made by
36 posting a clearly visible warning sign on the
37 property.
38 4. A domesticated animal activity which occurs in
39 a place designated or intended by an animal activity
40 sponsor as a place for persons who are not
41 participants to be present.
42 5. A domesticated animal activity which causes
43 damages, injury, or death to a spectator who is in a
44 place where a reasonable person who is alert to
45 inherent risks of domestic animal activities would not
46 expect a domesticated animal activity to occur."
47 4. By renumbering as necessary.

By COMMITTEE ON AGRICULTURE

EDDIE of Buena Vista, Chairperson

H-1029 FILED FEBRUARY 13, 1997

*adopted**2/18/97**(P. 348)*

HOUSE FILE 132

H-1038

1 Amend the amendment, H-1029, to House File 132 as
2 follows:

3 1. Page 1, line 23, by inserting after the word
4 "intentionally" the following: ", recklessly,".

By KREIMAN of Davis

H-1038 FILED FEBRUARY 18, 1997

Adopted 2-18-97 (P.348)

HOUSE FILE 132

S-3420

1 Amend House File 132, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 4, by inserting after line 26 the
4 following:

5 "_____. An act by a domesticated animal, if the
6 owner of the domesticated animal, a domesticated
7 animal professional, a domesticated animal activity
8 sponsor, or a person exhibiting the domesticated
9 animal, because of a superior knowledge about
10 domesticated animals, knew or should have known of an
11 inherent risk of a domesticated animal activity, but
12 failed to take reasonable actions necessary to avoid
13 damages or injury to, or the death of, a person caused
14 by the inherent risk of the domesticated animal
15 activity."

By DONALD B. REDFERN

S-3420 FILED APRIL 8, 1997

*sent 4-9-97
(P1086)*

HOUSE FILE 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.
 1. 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, clubhouses, 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.

RON J. CORBETT
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 132, Seventy-seventh General Assembly.

Approved *April 22* 1997

ELIZABETH ISAACSON
Chief Clerk of the House

TERRY E. BRANSTAD
Governor