

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1223

Page 1, line 1, after "53-10" insert "and a new chapter to title 53"

Page 1, line 2, after "activity" insert "and during activity involving livestock"

Page 2, after line 26, insert:

"SECTION 3. A new chapter to title 53 of the North Dakota Century Code is created and enacted as follows:

Definitions. In this chapter, unless the context otherwise requires:

1. "Activity involving livestock" means any parade, rodeo, show, sale, demonstration, fair, ride, competition, games, hunting, instruction, and any other entertainment involving spectators, participants, and livestock.
2. "Livestock" means bison, cattle, goats, llamas, sheep, and swine. The term does not include equines as defined in chapter 53-10.
3. "Participant" means any person, whether amateur or professional, who engages in an activity involving livestock, regardless of whether a fee is paid by the participant for that privilege or whether compensation is paid to the participant.
4. "Sponsor" means any person who organizes or provides the facility for any activity involving livestock.

Liability of sponsor for activities involving livestock.

1. Because livestock by their very nature can react unpredictably in a variety of situations, including those involving sound, sudden movement, an unfamiliar object, the presence of an individual, or the presence of another animal, the sponsor of an activity involving livestock is not liable for injury to or for the death of a spectator or a participant in the activity, except as provided in subsection 3.
2. Neither a spectator nor a participant, nor the personal representative of either, may maintain an action against or recover from the sponsor of any activity involving livestock for an injury to or the death of a spectator or a participant engaged in the activity.
3. Subsection 1 does not prevent or limit the liability of the sponsor of an activity involving livestock:
 - a. If the sponsor provides any equipment or tack and the equipment or tack causes the injury;
 - b. If the sponsor owns, leases, rents, or is otherwise in lawful possession and control of the land or facility upon which the spectator or participant sustains an injury because of a latent condition that the sponsor knew was dangerous;

- c. If the sponsor commits an act or omission that constitutes willful or wanton disregard for the safety of the spectator or the participant and that act or omission causes the injury;
- d. If the sponsor intentionally injures the spectator or the participant;
- e. Under products liability provisions as set forth in products liability laws; or
- f. Under liability provisions in chapter 36-11.

Statement of liability - Warning sign. The sponsor of an activity involving livestock shall post and maintain a sign and shall include in every contract governing the activity language warning that there are inherent risks in the activity and stating that the sponsor is not liable for any injury or damage resulting from the activity except as otherwise provided in this chapter."

Renumber accordingly