



Texas and Iowa Equine Activity Liability Acts Amended - Time for New Signs and Contracts

Julie I. Fershtman

Foster Swift Equine Liability & Insurance Update

November 2011

PRACTICE AREAS

Business Contracts

Equine Law

Earlier this year, both Texas and Iowa amended their Equine Activity Liability Acts to broaden their scope beyond "equine activity" to "farm animal activity." Other state laws, such as Kentucky, have included "farm animal" language.

TEXAS

The Texas Equine Activity Liability Act, amended effective September 1, broadened the law's immunities to include "farm animals," not merely horses. The Act defines a "farm animal" as an "equine, bovine, sheep or goat, pig, hog, ratite including ostrich, rhea, or emu, and chickens or fowl." Here is a link to the new Texas law. [Please note that it changes the language for signs and written contracts used by "farm animal professionals."](#)

The new language for signs and written contracts used by "farm animal professionals" is:

WARNING

UNDER TEXAS LAW (CHAPTER 87, CIVIL PRACTICE AND REMEDIES CODE), A FARM ANIMAL PROFESSIONAL IS NOT LIABLE FOR AN INJURY TO OR THE DEATH OF A PARTICIPANT IN FARM ANIMAL ACTIVITIES RESULTING FROM THE INHERENT RISKS OF FARM ANIMAL ACTIVITIES.

IOWA

Iowa's Equine Activity Liability Act has become a "domesticated animal activities" law, thanks to amendments. "Domesticated animal professionals," under the new law, must use this new language on their signs:

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.

In addition, the new law provides that contracts used by "domesticated animal professionals" that involve "domesticated animal activities" require the following "in clearly readable print."

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.

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 react 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.

Please note that Iowa is one of few states requiring more than merely a "warning" notice in contracts used by "professionals." Contracts require the recitation of "inherent risks" above.

IDAHO

Idaho's Equine Activities Immunity Act is now the "Livestock Activities Immunity Act." Here's a link. It has no sign posting or contract language requirement.