

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 1120**

Introduced by Karpisek, 32.

Read first time January 19, 2012

Committee:

A BILL

- 1 FOR AN ACT relating to civil procedure; to limit liability for
- 2                   bucking bull activities as prescribed; to define terms;
- 3                   and to require warning signs.
- 4 Be it enacted by the people of the State of Nebraska,

1           Section 1. The Legislature recognizes that persons who  
2 participate in bucking bull activities may incur injuries as a result  
3 of the risks involved in such activities. The Legislature also finds  
4 that the state and its citizens derive numerous economic and personal  
5 benefits from such activities. It is, therefor, the intent of the  
6 Legislature to encourage bucking bull activities by providing  
7 reasonable standards for those involved in such activities.

8           Sec. 2. For purposes of this act:

9           (1) Engages in a bucking bull activity means riding,  
10 training, assisting in medical treatment of, assisting a participant  
11 in such activities, or assisting in show management. Engages in a  
12 bucking bull activity does not include being a spectator at a bucking  
13 bull activity except in cases when the spectator places himself or  
14 herself in an unauthorized area;

15           (2) Bucking bull means a bovine male bred or trained to  
16 buck;

17           (3) Bucking bull activity means:

18           (a) Bucking bull rodeos or other competitions;

19           (b) Bucking bull training or teaching activities or both;

20           (c) Boarding bucking bulls; or

21           (d) Riding, inspecting, or evaluating a bucking bull  
22 belonging to another, whether or not the owner has received some  
23 monetary consideration or other thing of value for the use of the  
24 bucking bull or is permitting a prospective purchaser of the bucking  
25 bull to ride, inspect, or evaluate the bucking bull;

1           (4) Bucking bull activity sponsor means an individual,  
2 group, club, partnership, limited liability company, or corporation,  
3 whether or not the sponsor is operating for profit or is nonprofit,  
4 which sponsors, organizes, or provides the facilities for a bucking  
5 bull activity, including, but not limited to, 4-H clubs, school and  
6 college-sponsored classes, programs, and activities, and operators,  
7 instructors, and promoters of livestock facilities, including, but  
8 not limited to, stables, clubhouses, rodeos, fairs, and arenas at  
9 which the bucking bull activity is held;

10           (5) Bucking bull professional means a person engaged for  
11 compensation:

12           (a) In instructing a participant or renting to a  
13 participant a bucking bull for the purpose of riding; or

14           (b) In renting equipment to a participant;

15           (6) Inherent risks of bucking bull activities means those  
16 dangers or conditions which are an integral part of bucking bull  
17 activities, including, but not limited to:

18           (a) The propensity of a bucking bull to behave in ways  
19 that may result in injury, harm, or death to persons on or around  
20 them;

21           (b) The unpredictability of a bucking bull's reaction to  
22 such things as sounds, sudden movement, and unfamiliar objects,  
23 persons, or other animals;

24           (c) Certain hazards such as surface and subsurface  
25 conditions; and

1           (d) Collisions with other animals or objects; and

2           (7) Participant means any person, whether amateur or  
3 professional, who engages in a bucking bull activity whether or not a  
4 fee is paid to participate in the bucking bull activity.

5           Sec. 3. Except as provided in section 4 of this act, (1)  
6 a bucking bull activity sponsor, a bucking bull professional, or any  
7 other person, which includes a corporation, limited liability  
8 company, or partnership, shall not be liable for an injury to or the  
9 death of a participant resulting from the inherent risks of bucking  
10 bull activities and (2) no participant nor participant's  
11 representative shall make any claim against, maintain an action  
12 against, or recover from a bucking bull activity sponsor, a bucking  
13 bull professional, or any other person for injury, loss, damage, or  
14 death of the participant resulting from any of the inherent risks of  
15 bucking bull activities.

16           Sec. 4. (1) Nothing in section 3 of this act prevents or  
17 limits the liability of a bucking bull activity sponsor, a bucking  
18 bull professional, or any other person if the bucking bull activity  
19 sponsor, bucking bull professional, or person:

20           (a) Provided the equipment and the equipment caused the  
21 injury because the bucking bull activity sponsor or bucking bull  
22 professional failed to reasonably and prudently inspect or maintain  
23 the equipment;

24           (b) Owns, leases, rents, or otherwise is in lawful  
25 possession and control of the land or facilities upon which the

1 participant sustained injuries or death because of a dangerous latent  
2 condition which was known or should have been known to the bucking  
3 bull activity sponsor, bucking bull professional, or person and for  
4 which warning signs were not conspicuously posted;

5 (c) Commits an act or omission which a reasonable,  
6 prudent person would not have done or omitted under the same or  
7 similar circumstances or which constitutes willful or wanton  
8 disregard for the safety of the participant and that act or omission  
9 was a proximate cause of the injury; or

10 (d) Intentionally injures the participant.

11 (2) Nothing in section 3 of this act prevents or limits  
12 the liability of a bucking bull activity sponsor or a bucking bull  
13 professional under product liability laws.

14 Sec. 5. (1) Every bucking bull professional shall post  
15 and maintain signs which contain the following warning notice:

16 WARNING

17 Under Nebraska Law, a bucking bull professional is not  
18 liable for an injury to or the death of a participant in bucking bull  
19 activities resulting from the inherent risks of bucking bull  
20 activities, pursuant to this act.

21 The warning notice signs shall be placed in a clearly  
22 visible location on or near stables, corrals, or arenas where the  
23 bucking bull professional conducts bucking bull activities if such  
24 stables, corrals, or arenas are owned, leased, rented, managed, or  
25 controlled by the bucking bull professional. The placement of warning

1 notice signs shall be such that they may be readily seen by  
2 participants in bucking bull activities. The warning notice signs  
3 shall have black letters with each letter of the word "WARNING" a  
4 minimum of three inches in height and the rest of the letters a  
5 minimum of one inch in height.

6 (2) Every written contract entered into by a bucking bull  
7 professional for providing professional services, instruction, or  
8 rental of equipment or a bucking bull to a participant, whether or  
9 not the contract involves bucking bull activities on or off the  
10 location or site of the bucking bull professional's business, shall  
11 contain in clearly readable print the warning notice specified in  
12 subsection (1) of this section.