

HOUSE BILL REPORT

SHB 2382

As Passed Legislature

Title: An act relating to bovine handling facilities.

Brief Description: Providing limited liability immunity for injuries at bovine handling facilities.

Sponsors: By House Committee on Judiciary (originally sponsored by Representatives Kretz, Haler and Holmquist).

Brief History:

Committee Activity:

Judiciary: 1/17/06, 1/24/06 [DPS].

Floor Activity:

Passed House: 2/9/06, 98-0.

Senate Amended.

Passed Senate: 3/2/06, 41-3.

House Concurred.

Passed House: 3/4/06, 95-0.

Passed Legislature.

Brief Summary of Substitute Bill

- Provides limited immunity to people who own, operate, or use a bovine handling facility for injuries to persons who knowingly and voluntarily enter the premises of the facility to participate in or watch activities at the facility.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Lantz, Chair; Flannigan, Vice Chair; Williams, Vice Chair; Priest, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Campbell, Kirby, Serben, Springer and Wood.

Staff: Edie Adams (786-7180).

Background:

Negligence is a type of tort liability based on damages caused by another person's failure to exercise reasonable care. A person who has been injured by another may bring a civil action to recover damages caused by the injury. The plaintiff in a case for negligence must establish four things: (1) the defendant owed a duty of care to the plaintiff; (2) the defendant breached

that duty; (3) the breach was a proximate cause of the injury; and (4) the plaintiff suffered personal injury or property damage.

There are numerous statutory provisions that provide some form of immunity from negligence liability to certain persons or entities. For example, the equine activity immunity statute generally provides immunity to equine professionals and organizations or facilities (such as riding clubs, 4-H clubs, stables, and fairs), for injuries caused to participants in equine activities (such as shows, fairs, rodeos, riding lessons, or hunts). The equine activity immunity does not apply in certain exceptions, including where the injury was caused by an intentional act or resulted from a wilful or wanton disregard for the person's safety, or where there was a known dangerous latent condition that was not conspicuously posted with a warning sign.

Summary of Substitute Bill:

Partial immunity is provided to an owner, operator, or manager of a bovine handling facility, and the owner of bovine handled at a bovine handling facility, for personal injuries or death to a person who, knowingly and voluntarily, participates in bovine handling activities or enters the premises as a spectator of bovine handling activities.

The immunity does not apply if the injury or death was caused by an intentional act or an act or omission amounting to wilful and wanton disregard for the safety of the participant or spectator, or if the injury or death resulted from a known dangerous latent condition for which conspicuous warning signs were not posted.

"Bovine handling facility" means a cooperative, not-for-profit, outdoor facility, such as a corral, that is used for the normal and customary handling and husbandry of bovines, and does not include commercial slaughter facilities. "Bovine handling activities" means normal and customary activities associated with the handling and husbandry of bovines.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: This bill is intended to provide some needed protection for cattle handling facilities that are facing soaring liability insurance rates. These facilities often operate only one or two weeks out of the year and are used by many ranchers in the area for economy of scale benefits. The cattle are brought to the facilities where they are weighed and sorted into loads or lots of like cattle. The bill is not intended to include large commercial operations. It is based on the equine activity statute that was passed some years ago.

Testimony Against: None.

Persons Testifying: Representative Kretz, prime sponsor; and Jack Field and Michael Temple, Washington Cattlemen's Association.

Persons Signed In To Testify But Not Testifying: None.