

SENATE BILL REPORT

SHB 2382

As Reported By Senate Committee On:
Judiciary, February 23, 2006

Title: An act relating to bovine handling facilities.

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

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

Brief History: Passed House: 2/09/06, 98-0.

Committee Activity: Judiciary: 2/23/06 [DP, DNP].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators Kline, Chair; Johnson, Ranking Minority Member; Carrell, Esser, Hargrove and Rasmussen.

Minority Report: Do not pass.

Signed by Senator Weinstein, Vice Chair.

Staff: Lidia Mori (786-7755)

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. 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 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. The immunity also does not apply if the injury or death resulted from a known dangerous latent

condition for which conspicuous warning signs were not posted. "Bovine handling facility" means an outdoor facility that is used for the normal and customary handling and husbandry of bovines, such as corrals. "Bovine handling activities" means normal and customary activities associated with the handling and husbandry of bovines.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This bill is patterned after the equine activity statute. It is designed to address a corral in Ferry County where people from neighboring ranches work together to sort cattle. There are fourteen or so cattle ranchers that use that corral. No cash changes hands. Their liability insurance has gone up from about \$500 to \$1500 now. The bill is not meant to include slaughterhouses or stockyards.

Testimony Against: None.

Who Testified: PRO: Representative Kretz; Jack Field, Washington Cattlemen's Association; Patrick Conner, Washington Farm Bureau.