

HB 212 INTRODUCED BY HANSON, M., ET AL.
LIMITED TORT IMMUNITY FOR RODEOS, HORSE SHOWS, AND
RODEO SCHOOLS

1/14 INTRODUCED
1/14 REFERRED TO JUDICIARY
2/06 HEARING
2/21 TABLED IN COMMITTEE

1 HB BILL NO. 212
 2 INTRODUCED BY M. Harrison Swartz W. Glenn Avery Cobb
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4 A BILL FOR AN ACT ENTITLED: "AN ACT GRANTING IMMUNITY FOR
 5 PERSONAL INJURY AND PROPERTY DAMAGE TO CERTAIN RODEOS,
 6 JACKPOT ROPING, RODEO SCHOOLS, AND HORSE SHOWS; AND AMENDING
 7 SECTION 27-1-701, MCA."
 8

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 NEW SECTION. Section 1. Negligent tort immunity for
 11 rodeos, rodeo schools, jackpot roping, and horse shows. (1)
 12 Except as provided in subsection (2), there is no liability
 13 for negligent personal injury or property damage in the
 14 following instances:

15 (a) Private organizations, public schools and other
 16 public entities, and persons, and their officers and
 17 employees, conducting a nonprofit rodeo or jackpot roping
 18 are not liable to contestants for negligent personal injury
 19 or property damage suffered during the rodeo or jackpot
 20 roping. For purposes of this section, a jackpot roping is an
 21 event in which:

- 22 (i) contestants pay a fee to rope steers, calves, or
- 23 other animals;
- 24 (ii) the fee money is used to pay the costs of the
- 25 event, including stock rental charges; and

1 (iii) the remaining fee money is distributed to the
 2 contestants as prize money.

3 (b) Private organizations, public schools and other
 4 public entities, and persons, and their officers and
 5 employees, operating a school or course at which rodeo
 6 events and techniques are taught, whether or not for profit,
 7 are not liable to students for negligent personal injury or
 8 property damage suffered while the students are attending
 9 the school or course.

10 (c) Persons and private organizations, and their
 11 officers and employees, conducting, whether or not for
 12 profit, horse shows at which horses are shown for points,
 13 ribbons, or prizes are not liable to contestants for
 14 negligent personal injury or property damage suffered during
 15 a show.

16 (2) The immunity provided in subsection (1) does not
 17 apply to actions or omissions constituting gross negligence.

18 Section 2. Section 27-1-701, MCA, is amended to read:
 19 "27-1-701. Liability for negligence as well as willful
 20 acts. Everyone Except as otherwise provided by law, everyone
 21 is responsible not only for the results of his willful acts
 22 but also for an injury occasioned to another by his want of
 23 ordinary care or skill in the management of his property or
 24 person except so far as the latter has willfully or by want
 25 of ordinary care brought the injury upon himself."

1 NEW SECTION. Section 3. Saving clause. This act does
2 not affect rights and duties that matured, penalties that
3 were incurred, or proceedings that were begun before the
4 effective date of this act.

5 NEW SECTION. Section 4. Coordination instruction. If
6 section 1 is passed but not by a two-thirds vote of each
7 house of the legislature, the words ", public schools and
8 other public entities," are void and are deleted from
9 subsections (1)(a) and (1)(b) of section 1.

10 NEW SECTION. Section 5. Requirements for granting
11 public schools and other public entities limited immunity
12 from suit. Because section 1 grants public schools and other
13 public entities limited immunity from liability for
14 negligent personal injury and property damage, a two-thirds
15 vote of each house of the legislature is required by Article
16 II, section 18, of the Montana constitution to enact section
17 1. If section 1 is not approved by the required vote, the
18 immunity granted to public schools and other public entities
19 is void and the remaining immunities and provisions in
20 section 1 are valid.

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