

HOUSE BILL NO. 219

INTRODUCED BY HOLLIDAY, HANSON

IN THE HOUSE

JANUARY 15, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON JUDICIARY.

FEBRUARY 23, 1987 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

PRINTING REPORT.

FEBRUARY 24, 1987 SECOND READING, DO PASS AS AMENDED.

ON MOTION, RULES SUSPENDED AND BILL
PLACED ON THIRD READING THIS DAY.

THIRD READING, PASSED.
AYES, 98; NOES, 2.

TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 2, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON JUDICIARY.

MARCH 26, 1987 COMMITTEE RECOMMEND BILL BE
CONCURRED IN AS AMENDED. REPORT
ADOPTED.

MARCH 28, 1987 SECOND READING, CONCURRED IN.

MARCH 30, 1987 THIRD READING, CONCURRED IN.
AYES, 50; NOES, 0.

RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 7, 1987

RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS
CONCURRED IN.

APRIL 8, 1987

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

1 HB BILL NO. 219
2 INTRODUCED BY Thelma M. Hanson

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO LIMIT THE CIVIL
5 LIABILITY OF NONPROFIT ORGANIZATIONS FOR INJURIES SUFFERED
6 BY CONTESTANTS IN SPONSORED AMATEUR RODEO EVENTS; AMENDING
7 SECTION 27-1-701, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE
8 DATE."

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

11 NEW SECTION. Section 1. Liability of nonprofit
12 organizations for injuries suffered in sponsored amateur
13 rodeo events. (1) No nonprofit organization sponsoring an
14 amateur rodeo is liable for injuries suffered by a
15 contestant as a result of his voluntary participation in a
16 rodeo event except for injuries caused by a willful, wanton,
17 or reckless act of the sponsoring organization or its
18 employees.

19 (2) For purposes of this section, a minor is
20 considered to be in voluntary participation at a rodeo event
21 if:

22 (a) he has provided written consent to participate in
23 the rodeo event; and

24 (b) the consent is approved by one of the minor's
25 parents or by his legal guardian.

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

9 NEW SECTION. Section 3. Codification instruction.
10 Section 1 is intended to be codified as an integral part of
11 Title 27, chapter 1, part 7, and the provisions of Title 27,
12 chapter 1, part 7, apply to section 1.

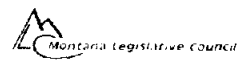
13 NEW SECTION. Section 4. Saving clause. This act does
14 not affect rights and duties that matured, penalties that
15 were incurred, or proceedings that were begun before the
16 effective date of this act.

17 NEW SECTION. Section 5. Severability. If a part of
18 this act is invalid, all valid parts that are severable from
19 the invalid part remain in effect. If a part of this act is
20 invalid in one or more of its applications, the part remains
21 in effect in all valid applications that are severable from
22 the invalid applications.

23 NEW SECTION. Section 6. Effective date. This act is
24 effective on passage and approval.

-End-

-2- INTRODUCED BILL
HB-219



APPROVED BY COMMITTEE
ON JUDICIARY

HOUSE BILL NO. 219

INTRODUCED BY HOLLIDAY, HANSON

A BILL FOR AN ACT ENTITLED: "AN ACT TO LIMIT THE CIVIL LIABILITY OF NONPROFIT ORGANIZATIONS AND THEIR EMPLOYEES FOR INJURIES SUFFERED BY CONTESTANTS IN SPONSORED AMATEUR RODEO, COWBOY POLO, CUTTING HORSE, O-MOC-SEE, AND JACKPOT ROPING EVENTS; AMENDING SECTION 27-1-701, MCA; AND PROVIDING AN IMMEDIATE APPLICABILITY AND EFFECTIVE DATE DATES."

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

NEW SECTION. Section 1. Liability of nonprofit organizations AND THEIR EMPLOYEES for injuries suffered in sponsored amateur rodeo AND SIMILAR events. (1) No nonprofit organization sponsoring an amateur rodeo, COWBOY POLO, CUTTING HORSE, O-MOC-SEE, OR JACKPOT ROPING EVENT, OR EMPLOYEE OF THE ORGANIZATION, is liable for injuries suffered by a contestant as a result of his voluntary participation in a THE rodeo event except for injuries caused by a willful, OR wanton, or reckless act of the sponsoring organization or its employees.

(2) For purposes of this section, a minor is considered to be in voluntary participation at-a-rodeo IN AN event if:

(a) he has provided written consent to participate in

the rodeo event; and

(b) the consent is approved by one of the minor's parents or by his legal guardian.

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

NEW SECTION. Section 3. Codification instruction. Section 1 is intended to be codified as an integral part of Title 27, chapter 1, part 7, and the provisions of Title 27, chapter 1, part 7, apply to section 1.

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

NEW SECTION. Section 4. Severability. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.



1 NEW SECTION. Section 5. Effective date AND
2 APPLICABILITY DATES. This act is effective ~~on--passage--and~~
3 ~~approval~~ JUNE 1, 1987, AND APPLIES TO CLAIMS ACCRUING AFTER
4 JUNE 1, 1987.

-End-

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 2 INTRODUCED BY HOLLIDAY, HANSON
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 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO LIMIT THE CIVIL
 5 LIABILITY OF NONPROFIT ORGANIZATIONS AND THEIR EMPLOYEES FOR
 6 INJURIES SUFFERED BY CONTESTANTS IN SPONSORED AMATEUR RODEO,
 7 COWBOY POLO, CUTTING HORSE, O-MOC-SEE, AND JACKPOT ROPING
 8 EVENTS; AMENDING SECTION 27-1-701, MCA; AND PROVIDING AN
 9 IMMEDIATE APPLICABILITY AND EFFECTIVE DATE DATES."

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 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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 13 organizations AND THEIR EMPLOYEES for injuries suffered in
 14 sponsored amateur rodeo AND SIMILAR events. (1) No nonprofit
 15 organization sponsoring an amateur rodeo, COWBOY POLO,
 16 CUTTING HORSE, O-MOC-SEE, OR JACKPOT ROPING EVENT, OR
 17 EMPLOYEE OF THE ORGANIZATION, is liable for injuries
 18 suffered by a contestant as a result of his voluntary
 19 participation in a THE rodeo event except for injuries
 20 caused by a willful, OR wanton, ~~or reckless~~ act of the
 21 sponsoring organization or its employees.

22 (2) For purposes of this section, a minor is
 23 considered to be in voluntary participation ~~at a rodeo~~ IN AN
 24 event if:

25 (a) he has provided written consent to participate in

1 the rodeo event; and
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 6 INJURIES SUFFERED BY CONTESTANTS IN SPONSORED AMATEUR RODEO,
 7 COWBOY POLO, CUTTING HORSE, O-MOC-SEE O-MOK-SEE, TRAIL
 8 RIDING, HORSE PACKING, HORSE SHOW, AND JACKPOT ROPING
 9 EVENTS; AMENDING SECTION 27-1-701, MCA; AND PROVIDING AN
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 16 organization sponsoring an A amateur rodeo, COWBOY POLO,
 17 CUTTING HORSE, O-MOC-SEE O-MOK-SEE, TRAIL RIDING, HORSE
 18 PACKING, HORSE SHOW, OR JACKPOT ROPING EVENT, OR EMPLOYEE OF
 19 THE ORGANIZATION, is liable for injuries suffered by a
 20 contestant as a result of his voluntary participation in a
 21 THE rodeo event except for injuries caused by a willful, OR
 22 wanton,--or--reckless act of the sponsoring organization or
 23 its employees.
 24 (2) For purposes of this section, a minor is
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4 APPLICABILITY DATES. This act is effective on-passage-and
5 approval JUNE 1, 1987, AND APPLIES TO CLAIMS ACCRUING AFTER
6 JUNE 1, 1987.

-End-

STANDING COMMITTEE REPORT

SENATE

March 26 19 87

MR. PRESIDENT

We, your committee on.....SENATE JUDICIARY.....

having had under consideration.....HOUSE BILL No.....219.....

_____Third reading copy (blue)
color

Limit civil liability of nonprofit organizations for rodeo injuries.
Holliday (Beck)

HOUSE BILL 219

Respectfully report as follows: That.....No.....

be amended as follows:

1. Title, line 7.

Strike: "O-MOC-SEE"

Insert: "O-MOK-SEE, TRAIL RIDING, HORSE PACKING, HORSE SHOW"

2. Page 1, line 15.

Strike: "an"

Insert: "a"

3. Page 1, line 16.

Strike: "O-MOC-SEE"

Insert: "o-mok-see, trail riding, horse packing, horse show"

MB

~~DO NOT PASS~~

~~DO NOT PASS~~

AND AS AMENDED
BE CONCURRED IN

Senator Mazurek

Chairman.

3-26-87
6:30