



State of Tennessee
PUBLIC CHAPTER NO. 74

SENATE BILL NO. 339

By Haile, Overbey, Tracy, Gresham, Burks

Substituted for: House Bill No. 567

By Dennis, Shipley, Bass, Curtis Johnson, Butt, Evans, Don Miller, Marsh, Ragan, Eldridge,
Hensley, Wirgau, Hurley, Sexton

AN ACT to amend Tennessee Code Annotated, Title 29; Title 43 and Title 44, relative to bovine.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 44, is amended by adding the following language as a new, appropriately designated chapter:

44-21-101. As used in this chapter, unless the context otherwise requires:

(1) "Bovine activity" means any activity involving one (1) or more bovine, including, but not limited to:

(A) Grazing, herding, feeding, branding, milking or any other activity that involves the care or maintenance of bovine;

(B) Bovine shows, fairs, competitions or auctions;

(C) Bovine training or teaching activities;

(D) Boarding bovine; or

(E) Riding, inspecting, or evaluating bovine;

(2) "Bovine owner" means any person with ownership rights to bovine;

(3) "Inherent risks of bovine activities" means dangers or conditions that are an integral part of bovine activities, including, but not limited to:

(A) The propensity of a bovine to behave in ways that may result in injury, loss, damage or death to persons on or around the bovine;

(B) The unpredictability of a bovine's reaction to sounds, sudden movements, and unfamiliar objects, persons, or other animals;

(C) Certain hazards on the property, such as surface and subsurface conditions; or

(D) Collisions with other bovine or objects; and

(4) "Person" means an individual, corporation or any other legal entity.

44-21-102.

(a) A bovine owner shall not be liable for any injury, loss, damage, or death of a person resulting from the inherent risks of bovine activities.

(b) Except as provided in § 44-21-103, no person shall make any claim against, maintain an action against, or recover from a bovine owner for injury, loss, damage, or death of the person resulting from the inherent risks of bovine activities.

44-21-103.

(a) Nothing in § 44-21-102 shall prevent or limit the liability of a bovine owner if the owner:

(1) Fails to post and maintain warning signs pursuant to § 44-21-104(a);

(2) Fails to maintain proper fences and enclosures pursuant to Chapter 8 of this title; or

(3) Commits an act or omission that constitutes willful or wanton disregard for the safety of the person, and that act or omission caused the injury, loss, damage, or death.

(b) Title 70, Chapter 7 shall not apply to a bovine owner if the injury, loss, damage or death resulted from a bovine activity.

44-21-104.

(a) A bovine owner shall post and maintain signs that contain the warning notice specified in subsection (b). The signs shall be placed in clearly visible locations on or near stables, corrals, fences, enclosures or arenas where the owner conducts bovine activities. The warning notice specified in subsection (b) shall appear on the sign in black letters, with each letter to be a minimum of one inch (1") in height.

(b) The signs described in subsection (a) shall contain the following warning notice:

WARNING

Under Tennessee Law, a bovine owner is not liable for any injury, loss, damage, or death of a person resulting from the inherent risks of bovine activities, pursuant to Tennessee Code Annotated, Title 44, Chapter 21.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

SENATE BILL NO. 339

PASSED: March 31, 2011



RON RAMSEY
SPEAKER OF THE SENATE



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 14th day of April 2011



BILL HASLAM, GOVERNOR