GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 936 Committee Substitute Favorable 1/20/07

Committee Substitute Favorable 4/29/97	
Short Title: Llama Activities/Duties and Liability.	(Public)
Sponsors:	
Referred to:	
April 14, 1997	
A BILL TO BE ENTITLED AN ACT TO CLARIFY RESPONSIBILITIES AND LIABILITY ACTIVITIES.	Y FOR LLAMA
The General Assembly of North Carolina enacts: Section 1. Chapter 106 of the General Statutes is amended Article to read:	d by adding a new
" <u>ARTICLE 68.</u> " <u>Llama Activity Liability.</u>	
" <u>§ 106-810. Purpose; findings.</u> The General Assembly finds that persons who participate in llama a injuries as a result of the risks involved in such activities. The Gene	
finds that the State and its citizens derive numerous economic and persuch activities. It is, therefore, the intent of the General Assembly to	o encourage llama
activities by clarifying the responsibilities of llama activity sponsors, llama participants in llama activities. "§ 106-811. Definitions.	ama professionals,
As used in this Article, the term:	

'Engage in a llama activity' means participate in a llama activity, assist a (1) participant in a llama activity, or assist a llama activity sponsor or llama

1		professional. The term 'engage in a llama activity' does not include	
2		being a spectator at a llama activity, except in cases in which the	
3		spectator places himself or herself in an unauthorized area and in	
4	(0)	immediate proximity to the llama activity.	
5	<u>(2)</u>	'Inherent risks of llama activities' means those dangers or conditions that	
6		are an integral part of llama activities, including:	
7		a. The possibility of a llama behaving in ways that may result in	
8		injury, harm, or death to persons on or around them; and	
9		b. The unpredictability of a llama's reaction to such things as	
10		sounds, sudden movement, unfamiliar objects, persons, or other	
11		animals.	
12	<u>(3)</u>	'Llama' means a South American camelid that is an animal of the genus	
13		<u>llama</u> , including llamas, alpacas, and guanacos.	
14	<u>(4)</u>	'Llama activity' means any activity involving a llama.	
15	<u>(5)</u>	'Llama activity sponsor' means an individual, group, club, partnership,	
16		or corporation, whether the sponsor is operating for profit or nonprofit,	
17		that sponsors, organizes, or provides the facilities for a llama activity.	
18		The term includes operators and promoters of llama facilities.	
19	<u>(6)</u>	'Llama professional' means a person engaged for compensation in:	
20		<u>a.</u> <u>Instructing a participant;</u>	
21		b. Renting a llama to a participant for the purpose of riding, driving,	
22		or being a passenger upon the llama;	
23		c. Renting equipment or tack to a participant;	
24		 <u>Renting equipment or tack to a participant;</u> <u>Examining or administering medical treatment to a llama; or</u> 	
25		e. <u>Trimming the nails of a llama.</u>	
26	<u>(7)</u>	'Participant' means any person, whether amateur or professional, who	
27		engages in a llama activity, whether or not a fee is paid to participate in	
28		the llama activity.	
29	" <u>§ 106-812. Lia</u>	ability.	
30	(a) Excep	ot as provided in subsection (b) of this section, a llama activity sponsor, a	
31	llama profession	nal, or any other person, including a corporation or partnership, shall not	
32	be liable for an	injury to or the death of a participant resulting from the inherent risks of	
33	llama activities	and, except as provided in subsection (b) of this section, no participant or	
34	participant's rep	presentative shall maintain an action against or recover from a llama	
35	activity sponsor	, a llama professional, or any other person for injury, loss, damage, or	
36	death of the pa	rticipant resulting exclusively from any of the inherent risks of llama	
37	7 <u>activities.</u>		
38	(b) Nothi	ng in subsection (a) of this section shall prevent or limit the liability of a	
39	llama activity s	ponsor, a llama professional, or any other person if the llama activity	

- sponsor, llama professional, or person:

 (1) Provided the equipment or tack, and knew or should have known that
 - (1) Provided the equipment or tack, and knew or should have known that the equipment or tack was faulty, and such equipment or tack was faulty to the extent that it did cause the injury;

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- Provided the llama and failed to make reasonable and prudent efforts to determine the ability of the participant to engage safely in the llama activity or to safely manage the particular llama;

 Commits an act or omission that constitutes willful or wanton disregard
 - (3) Commits an act or omission that constitutes willful or wanton disregard for the safety of the participant, and that act or omission caused the injury; or
 - (4) <u>Intentionally injures the participant.</u>
 - (c) Nothing in subsection (a) of this section shall prevent or limit the liability of a llama activity sponsor or a llama professional under liability provisions as set forth in the products liability laws.

"§ 106-813. Warning required.

- (a) Every llama professional and every llama activity sponsor shall post and maintain signs that contain the warning notice specified in subsection (b) of this section. The signs required by this section shall be placed in a clearly visible location on or near stables, corrals, or arenas where the llama professional or the llama activity sponsor conducts llama activities. The warning notice specified in subsection (b) of this section shall be designed by the Department of Agriculture and shall consist of a sign in black letters, with each letter to be a minimum of one inch in height. Every written contract entered into by a llama professional or by a llama activity sponsor for the providing of professional services, instruction, or the rental of equipment or tack or a llama to a participant, whether or not the contract involves llama activities on or off the location or site of the llama professional's or the llama activity sponsor's business, shall contain in clearly readable print the warning notice specified in subsection (b) of this section.
- (b) The signs and contracts described in subsection (a) of this section shall contain the following warning notice:

WARNING

Under North Carolina law, a llama activity sponsor or llama professional is not liable for an injury to or the death of a participant in llama activities resulting exclusively from the inherent risks of llama activities. Article 68, Chapter 106 of the North Carolina General Statutes.'

- (c) Failure to comply with the requirements concerning warning signs and notices provided in this Article shall prevent a llama activity sponsor or llama professional from invoking the privileges of immunity provided by this Article."
- Section 2. This act becomes effective January 1, 1998, and applies to causes of action arising on or after that date.