



COLORADO HORSE COUNCIL, INC

Protecting the Colorado Horse Industry Through Legislation and Education

CHC Legislative work protects Equine Industry's Limited Liability Statute

By Margrit Lent Parker, J.D., Member of CHC Legislative and Regulatory Committee

Your Colorado Horse Council Legislative and Regulatory Committee was hard at work this year. In addition to tracking the many 2014 citizen initiatives, Committee members identified and achieved amendment of a legislative bill that, without revisions, would have had significant negative consequences on the existing limited liability presently enjoyed by the equine, llama, and rodeo industries.

A little history behind the limited liability statutes: In 1990, the Colorado legislature passed the equine and llama limited liability statute, giving rise to the familiar signs posted at horse facilities and events. In 2003, the legislature passed the agricultural limited liability statute to more broadly provide limited liability to hosts of any agricultural recreation activity done for entertainment, pleasure, recreation, or education. This 2003 law was intended to broadly cover any person who participated in such activities, whether in practice or competition. For example, the 2003 statute limits liability related to 4-H activities on farms and ranches; rodeo stock producers allowing young bull riders to try out bulls; cattle sorting; roping and tie down practices; cutting and penning; ranch rodeo; mutton riding; corn mazes; and u-pick-it farms and orchards. Generally, none of these activities involve or are considered tourism.

This year, House Bill 1280 was introduced in the legislature, apparently to address a perceived concern that the 2003 statute did not cover tourism-related agricultural activities. Unfortunately, the proposed amendments to the statute actually would have narrowed—not broadened—the activities that enjoy statutory limited liability. The proposed amendments also created a very real risk of conflicting with and even ruling out some of the protections of the equine limited liability statute, especially for activities that arguably could fall within the purview of both statutes.

Fortunately, the Horse Council's Legislative and Regulatory Committee was quickly on task, identifying these unintended effects of the proposed amendments. With the aid of the Council's lobbyist Danny Williams, Committee member Kathie Riley took the lead in talking with stakeholders, bill drafters, the bill sponsor, and his staff to explain these concerns and propose amendments that would both allow the desired changes *and* protect the existing laws.

It took deft navigation of the halls of Capitol Hill to persuade the bill sponsor of the needed changes. But, Kathie and Danny succeeded, with the help of LRC chair Jill Montgomery, LRC member Cindy Schonholtz, and former LRC member Adam Daurio. Once the concepts were accepted, they worked closely with legislative drafting staff, and arrived at a resolution that passed through committee with full support. HB 1280 became law this year, and, thanks to the LRC, it was a better drafted law that

continues to provide the limited liability protections originally intended for the horse and agricultural industries.

The Legislative and Regulatory Committee continues to represent your interests, and looks forward to the coming 2015 legislative session. As always, we welcome your input and comments on the important issues facing the equine industry.

October 2014

For more information, the equine and llama limited liability statute is codified at section 13-21-119, C.R.S. The agricultural recreation limited liability statute, with this year's agtourism amendments, is codified at section 13-21-121, C.R.S. Colorado statutes can be viewed at <http://www.lexisnexis.com/hottopics/Colorado/>.

###