

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 936

Short Title: Liability for Llama Activities.

(Public)

Sponsors: Representatives Beall, Ramsey, and Brown.

Referred to: Judiciary I.

April 14, 1997

A BILL TO BE ENTITLED
AN ACT TO CLARIFY RESPONSIBILITIES FOR LLAMA ACTIVITIES AND TO
PROVIDE QUALIFIED IMMUNITY FROM LIABILITY.

The General Assembly of North Carolina enacts:

Section 1. Chapter 106 of the General Statutes is amended by adding a new
Article to read:

“ARTICLE 68.

“LLAMA ACTIVITY LIABILITY IMMUNITY.

“§ 106-810. Purpose; findings.

The General Assembly finds that North Carolina is climatically and environmentally suited to raising llamas; llama breeding and the recreational use of llamas provide alternative land uses and new economically feasible ventures that are environmentally sound; llamas are used as hiking companion animals by families to carry the loads necessary for comfortable camping in the North Carolina wilderness; these gentle pack animals make the wilderness accessible to a much broader spectrum of people, especially those unable to carry a pack; commercial llama trekking companies in western North Carolina are an integral part of the growing tourism industry; llama trekking attracts tourists to our area because it is an unusual way to hike into the wilderness areas and is forecast to grow to several hundreds of thousands of dollars annually by the year 2000; llama wool and wool products are now offered commercially in regional and national

1 fiber sales; llama breeding is a profitable business; llamas are being used increasingly as
2 sheep and goat herd guard animals against predators both here in North Carolina and
3 extensively with the larger sheep herds in the West; the growth of the llama industry
4 should be encouraged in this State.

5 **"§ 106-811. Definitions.**

6 As used in this Article, the term:

7 (1) 'Engage in a llama activity' means participate in a llama activity, assist a
8 participant in a llama activity, or assist a llama activity sponsor or llama
9 professional. The term 'engage in a llama activity' does not include
10 being a spectator at a llama activity, except in cases in which the
11 spectator places himself or herself in an unauthorized area and in
12 immediate proximity to the llama activity.

13 (2) 'Inherent risks of llama activities' means those dangers or conditions
14 that are an integral part of llama activities, including all of the
15 following:

16 a. The propensity of a llama to behave in ways that may result in
17 injury, harm, or death to persons on or around them.

18 b. The unpredictability of a llama's reaction to such things as
19 sounds, sudden movement, unfamiliar objects, persons, or other
20 animals.

21 c. Certain hazards such as surface and subsurface conditions.

22 d. Collisions with other llamas or objects.

23 e. The potential of a participant to act in a negligent manner that
24 may contribute to injury to the participant or others, such as
25 failing to maintain control over the participant or others, such as
26 failing to maintain control over the animal or not acting within
27 his or her ability.

28 (3) 'Llama' means a South American camelid that is an animal of the genus
29 llama, commonly referred to as a 'one llama,' including llamas, alpacas,
30 guanacos, and vicunas.

31 (4) 'Llama activity' means any one or more of the following activities:

32 a. Llama shows, fairs, competitions, performances, packing events,
33 or parades that involve any or all breeds of llamas.

34 b. Using llamas to pull carts or to carry packs or other items.

35 c. Using llamas to pull travois-type carriers during rescue or
36 emergency situations.

37 d. Llama training or teaching activities.

38 e. Taking llamas on public relations trips or visits to schools or
39 nursing homes.

40 f. Participating in commercial packing trips in which participants
41 pay a llama professional to be a guide on a hike, leading llamas.

42 g. Boarding llamas.

1 h. Riding, inspecting, or evaluating a llama belonging to another,
2 whether or not the owner has received some monetary
3 consideration or other thing of value for the use of the llama or is
4 permitting a prospective purchaser of the llama to ride, inspect,
5 or evaluate the llama.

6 i. Using llamas in wool production.

7 j. Rides, trips, or other llama activities of any type however
8 informal or impromptu that are sponsored by a llama activity
9 sponsor.

10 k. Trimming the nails of a llama.

11 (5) 'Llama activity sponsor' means an individual, group, club, partnership,
12 or corporation, whether or not the sponsor is operating for profit or
13 nonprofit, that sponsors, organizes, or provides the facilities for a llama
14 activity, including, but not limited to: llama clubs; 4-H clubs; hunt
15 clubs; riding clubs; school and college-sponsored classes, programs, and
16 activities; and therapeutic riding programs. 'Llama activity sponsor'
17 also means operators, instructors, and promoters of llama facilities,
18 including, but not limited to: stables; clubhouses; fairs; and arenas at
19 which the activity is held.

20 (6) 'Llama professional' means a person engaged for compensation in either
21 one or both of the following:

22 a. In instructing a participant or renting to a participant a llama for
23 the purpose of riding, driving, or being a passenger upon the
24 llama.

25 b. In renting equipment or tack to a participant.

26 (7) '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 such activity.

29 **"§ 106-812. Immunity from liability.**

30 (a) Except as provided in subsection (b) of this section, a llama activity sponsor; a
31 llama professional; or any other person, including a corporation or partnership, shall not
32 be liable for injury, loss, damage, or death of a participant resulting from the inherent
33 risks of llama activities and, except as provided in subsection (b) of this section, no
34 participant or participant's representative shall maintain an action against or recover from
35 a llama activity sponsor, a llama professional, or any other person for injury, loss,
36 damage, or death of the participant resulting from any of the inherent risks of llama
37 activities.

38 (b) Nothing in subsection (a) of this section shall prevent or limit the liability of a
39 llama activity sponsor, a llama professional, or any other person if the llama activity
40 sponsor, llama professional, or person does any one or more of the following:

41 (1) Provides the equipment or tack and knew, or should have known, that
42 the equipment or tack was faulty, and such equipment or tack was faulty
43 to the extent that it did cause the injury.

1 Section 2. This act becomes effective January 1, 1998, and applies to causes of
2 action arising on or after that date.