

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 936
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 FOR LLAMA
ACTIVITIES.

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.

"§ 106-810. Purpose; findings.

The General Assembly finds that persons who participate in llama activities may incur injuries as a result of the risks involved in such activities. The General Assembly also finds that the State and its citizens derive numerous economic and personal benefits from such activities. It is, therefore, the intent of the General Assembly to encourage llama activities by clarifying the responsibilities of llama activity sponsors, llama professionals, and participants in llama activities.

"§ 106-811. Definitions.

As used in this Article, the term:

- (1) 'Engage in a llama activity' means participate in a llama activity, assist a 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 immediate proximity to the llama activity.

5 (2) '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 (3) 'Llama' means a South American camelid that is an animal of the genus
13 llama, including llamas, alpacas, and guanacos.

14 (4) 'Llama activity' means any activity involving a llama.

15 (5) '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 (6) 'Llama professional' means a person engaged for compensation in:

20 a. Instructing a participant;

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 d. Examining or administering medical treatment to a llama; or

25 e. Trimming the nails of a llama.

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 the llama activity.

29 **§ 106-812. 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 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 representative 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 participant resulting exclusively 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:

41 (1) Provided 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;

