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H.463

Introduced by Representatives Hooper of Brookfield, Ainsworth of Royalton,  
Bancroft of Westford, Baser of Bristol, Beck of St. Johnsbury,  
Belaski of Windsor, Brumsted of Shelburne, Buckholz of  
Hartford, Burditt of West Rutland, Cina of Burlington, Colburn  
of Burlington, Conquest of Newbury, Gannon of Wilmington,  
Graham of Williamstown, Hebert of Vernon, Higley of Lowell,  
Howard of Rutland City, Jickling of Brookfield, Keefe of  
Manchester, Kimbell of Woodstock, Lawrence of Lyndon,  
Masland of Thetford, McCullough of Williston, McFaun of  
Barre Town, Morris of Bennington, Murphy of Fairfax, Nolan  
of Morristown, Norris of Shoreham, Partridge of Windham,  
Rachelson of Burlington, Savage of Swanton, Shaw of  
Pittsford, Smith of New Haven, Terenzini of Rutland Town,  
Trieber of Rockingham, and Willhoit of St. Johnsbury

Referred to Committee on

Date:

Subject: Public safety; motor vehicles; animals; running at large; right of way

Statement of purpose of bill as introduced: This bill proposes that a livestock  
owner shall not be liable for damages in any civil suit for injury to a person, to  
a motor vehicle on a public highway, or to property of another caused by

1 livestock running at large without the knowledge of the livestock owner, when  
2 the livestock owner used reasonable care in restraining the animals from  
3 running at large. A livestock owner who knowingly allows livestock to run at  
4 large would be liable in a civil action for all damages caused by the livestock  
5 running at large. In addition, the bill would require that the operator of a motor  
6 vehicle yield to any livestock animal on or across a highway.

7 An act relating to liability for animals running at large

8 It is hereby enacted by the General Assembly of the State of Vermont:

9 Sec. 1. 20 V.S.A. § 3341 is amended to read:

10 § 3341. CATTLE, HORSES, SHEEP, GOATS, OR SWINE

11 ~~A person who knowingly permits cattle, horses, sheep, goats, or swine to~~  
12 ~~run at large in a public highway, or yard belonging to a public building,~~  
13 ~~without the consent of the selectmen, shall be fined not more than \$10.00 nor~~  
14 ~~less than \$3.00.~~

15 (a) Definitions. As used in this section:

16 (1) “Livestock” means cattle, horses, sheep, swine, goats, camelids,  
17 fallow deer, red deer, reindeer, and American bison.

18 (2) “Livestock owner” means any person who:

19 (A) has a right of property in livestock;

20 (B) keeps, harbors, or cares for livestock; or

1           (C) acts as the custodian of the livestock for a person with a right of  
2 property in livestock.

3           (3) “Public highway” shall have the same meaning as set forth in  
4 23 V.S.A. § 4.

5           (b) Prohibition on running at large. A livestock owner shall not allow  
6 livestock to run at large in the State. A livestock owner shall provide  
7 necessary restraints to prevent livestock from running at large.

8           (c) Liability. A livestock owner who knowingly allows livestock to run at  
9 large shall be liable in a civil action for all damages caused by the livestock  
10 running at large. A livestock owner shall not be liable for damages in any civil  
11 suit for injury to a person, to a motor vehicle on a public highway, or to  
12 property of another caused by livestock running at large without the knowledge  
13 of the livestock owner, when the livestock owner used reasonable care in  
14 restraining the animals from running at large.

15       Sec. 2. 20 V.S.A. § 3346 is amended to read:

16       § 3346. BULLS

17       ~~The owner or keeper of a bull may be fined not more than \$100.00 if such~~  
18 ~~bull is more than nine months old and found unattended outside the premises~~  
19 ~~owned or occupied by the owner or keeper of such bull and shall be liable to a~~  
20 ~~party damaged by such bull while outside the premises of such owner or~~  
21 ~~keeper. The damages may be recovered in a civil action. [Repealed.]~~

1       Sec. 3. 20 V.S.A. § 3347 is amended to read:

2       § 3347. RAMS

3           ~~(a) Rams shall not be allowed to go at large between August 1 and~~  
4       ~~December 1 in each year. The owner or keeper of a ram shall be liable for~~  
5       ~~damages sustained by a person in consequence of such ram going at large~~  
6       ~~during such time.~~

7           ~~(b) If during such time a ram is found with sheep other than those of its~~  
8       ~~owner or keeper, and not in his enclosure, the owner or keeper of such sheep~~  
9       ~~may recover \$5.00 of the owner or keeper of such ram, in a civil action.~~

10       [Repealed.]

11       Sec. 4. 20 V.S.A. § 3349 is amended to read:

12       § 3349. STALLIONS

13           ~~(a) An owner or keeper of a stallion, more than one year old, who wilfully~~  
14       ~~or negligently permits such stallion to run at large out of the enclosure of such~~  
15       ~~owner or keeper, shall be fined for each instance not more than \$500.00 nor~~  
16       ~~less than \$100.00 and shall also be liable to a party injured for the damage~~  
17       ~~done by such stallion while running at large.~~

18           ~~(b) A person who owns or keeps a stallion over one year of age, between~~  
19       ~~April 1 and December 1, in a private enclosure in such a manner as to disturb~~  
20       ~~and annoy the owner or occupant of adjoining premises shall be fined \$5.00 for~~

1 ~~each week he so keeps such stallion after he has received three days' notice~~  
2 ~~from an adjoining owner or occupant to remove such stallion. [Repealed.]~~

3 Sec. 5. 23 V.S.A. § 1127 is amended to read:

4 § 1127. CONTROL IN PRESENCE OF ANIMALS

5 (a) Whenever upon a public highway and approaching a vehicle drawn by a  
6 ~~draft~~ livestock animal, ~~an~~ a livestock animal upon which a person is riding, or  
7 ~~animals~~ livestock being herded, the operator of a motor vehicle shall operate  
8 the vehicle in such a manner as to exercise every reasonable precaution to  
9 prevent the frightening of any livestock animal and to ensure the safety and  
10 protection of the livestock animal and the person riding, driving, or herding.

11 (b) The operator of a motor vehicle shall yield to any ~~animals being herded~~  
12 livestock animal on or across a highway.

13 (c) As used in this section, "livestock" or "livestock animal" means cattle,  
14 horses, sheep, swine, goats, camelids, fallow deer, red deer, reindeer, and  
15 American bison.

16 Sec. 6. EFFECTIVE DATE

17 This act shall take effect on passage.