

### Liability For Animals

The farmer's liability for animals requires that he take all reasonable precautionary measures to prevent animals from straying off his property. He may be held liable for injuries and damages caused by his animals. The liability is based on more than either negligence or carelessness, but is rather an absolute liability. The potential liability can be very great if a motorist is seriously injured or killed in a collision with a stray animal. A farmer may be liable for injuries to employees or others who come on his land if he has reason to know an animal is dangerous, such as a vicious dog or temperamental bull.

Motor vehicles, such as automobiles, farm trucks, and tractors, have given rise to many potential liabilities for the farmer. He not only faces the same traffic hazards as his city neighbor, but also particular liabilities arising from the use of the farm truck and tractor on public highways. Being a member of a farm partnership can introduce other areas of potential liability.

### Employee Relationships

Employers not only have certain liabilities to employees but also may be liable for acts of employees. The employer can be held responsible for the negligence of employees when it occurs within the scope of their jobs. The farmer has certain duties to farm employees not covered by workmen's compensation, including (1) providing safe

tools and equipment, (2) a safe and suitable place of work, (3) reasonable care in selecting fellow employees, and (4) properly instructing them regarding dangers related with their work. However, in certain cases, employees may not be able to recover for their injuries even though the employer has been negligent or failed to perform one or more of the above duties. The employee may have been contributorily negligent, may have known of the risks involved and assumed the risks and thereby relieved the employer of all liability, or the injuries may have been caused solely by negligence of a fellow employee.

### SUMMARY

Farmers have several major areas of liability, and are generally held liable for damage or injury caused by negligence. A farmer has an obligation to neighboring landowners, and certain responsibilities to people who come onto his property. An obligation between landlords and tenants also exists in the area of liability. A farmer may also be held liable for injuries and damages caused by his animals. Employers have responsibilities to employees, and may be responsible for their acts. Because of the many and involved ramifications, a farmer is advised to check his legal liabilities with his legal counsel.

Selected areas of potential farm liability have been lightly explored in this article. They are covered in greater detail in Bulletin 471.

Agricultural Experiment Station  
NORTH DAKOTA STATE UNIVERSITY  
of Agriculture and Applied Science  
University Station  
Fargo, North Dakota 58102  
Publication



DIRECTOR

to

R. L. WITZ  
ENGINEERING DEPARTMENT

Postage Paid  
U. S. Department of Agriculture