

Liability of Cattle Involved in Motor Vehicle Collisions

Nebraska cattle producers face liability risk when their cattle get out onto public roadways in the state. Motor vehicle accidents involving cattle on public roadways may cause personal injury or property damage to the vehicle. Occupants involved in a motor vehicle collision may seek damages to compensate for personal injury or property losses experienced during the accident. Amounts sought for damages may reach large amounts depending upon the collision or personal injury.

According to current Nebraska law, in the event a producer faces a civil lawsuit from cattle getting out on a roadway and causing personal injury or property damage, the burden of proof in the case rests upon the individual initiating the suit (the plaintiff). In this case the plaintiff must prove the owner of the cattle (the defendant) is responsible for or negligent in allowing their cattle be out on the roadway. Significantly, the fact that the cattle were on the highway is not in itself evidence of negligence. A 1995 Nebraska Supreme Court ruling that a jury could infer negligence from a cow's presence on the road was reversed by the Nebraska Unicameral in 2001.

Examples where producers might be found negligent in this kind of case include if the fences were not being maintained, a gate was being left open, or a prior history had been established about cattle continually getting out on the public roadways and not doing anything to correct the problem. Producers in all areas of Nebraska are encouraged to properly maintain their fences along public roadways.

Cattle producers are also encouraged to carry a general farm liability insurance policy for protection against lawsuits resulting from accidents involving agricultural property. Consulting with property insurance agents and your attorney are recommended to help identify the appropriate amount of liability insurance to carry on a farm.

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