

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 170

Short Title: Equine Activity Liability.

(Public)

Sponsors: Senators Carpenter, Martin of Pitt; Albertson, Allran, and Ledbetter.

Referred to: Judiciary.

February 18, 1997

A BILL TO BE ENTITLED

AN ACT TO PROVIDE IMMUNITY FROM LIABILITY FOR EQUINE 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 67.

"EQUINE ACTIVITY LIABILITY IMMUNITY.

"§ 106-801. Purpose; findings.

The General Assembly finds that persons who participate in equine 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. The General Assembly further finds that this Article is necessary for the immediate preservation of the public peace, health, and safety. It is the intent of the General Assembly to encourage equine activities by limiting the civil liability of those involved in such activities.

"§ 106-802. Definitions.

As used in this Article, the term:

(1) 'Engage in an equine activity' means participate in an equine activity, assist a participant in an equine activity, or assist an equine activity sponsor or equine professional. 'Engage in an equine activity' does not

1 include being a spectator at an equine activity, except in cases in which
2 the spectator places himself or herself in an unauthorized area and in
3 immediate proximity to the equine activity.

4 (2) 'Equine' means a horse, pony, mule, donkey, or hinny.

5 (3) 'Equine activity' means:

6 a. Riding an equine;

7 b. Participating in riding classes, therapeutic riding programs, or
8 other classes in horsemanship;

9 c. Driving an equine;

10 d. Being a passenger on an equine or a passenger in a cart or other
11 vehicle pulled by an equine;

12 e. Training an equine;

13 f. Boarding an equine;

14 g. Riding, inspecting, or evaluating an equine by a prospective
15 purchaser or his or her agent;

16 h. Participating in equine shows, fairs, competitions, performances,
17 or parades that involve any breed of equine and any of the equine
18 disciplines, including, dressage, hunter and jumper horse shows,
19 grand prix jumping, three-day events, combined training, rodeos,
20 driving, pulling, cutting, polo, steeplechasing, English and
21 western performance riding, endurance trail riding and western
22 games, and hunting;

23 i. Participating in informal or impromptu equine activities,
24 including rides, trips, hunts, or other equine activities;

25 j. Hoof trimming or placing or replacing horseshoes on an equine;

26 k. Examining or administering medical treatment to an equine, or
27 assisting with the examination or administration of medical
28 treatment to an equine; and

29 l. Hauling, plowing, and other agricultural activities using equines.

30 (4) 'Equine activity sponsor' means an individual, group, club, partnership,
31 or corporation, whether the sponsor is operating for profit or nonprofit,
32 that sponsors, organizes, or provides the facilities for an equine activity,
33 including pony clubs; 4-H clubs; hunt clubs; riding clubs; school- and
34 college-sponsored classes, programs, and activities; and therapeutic
35 riding programs. 'Equine activity sponsor' includes operators and
36 promoters of equine facilities, including stables, clubhouses, pony-ride
37 strings, fairs, and arenas at which the activity is held.

38 (5) 'Equine professional' means a person engaged for compensation in:

39 a. Instructing a participant;

40 b. Renting an equine to a participant for the purpose of riding,
41 driving, or being a passenger upon the equine;

42 c. Renting equipment or tack to a participant;

43 d. Examining or administering medical treatment to an equine; or

- 1 e. Hoof trimming or placing or replacing horseshoes on an equine.
2 (6) 'Inherent risks of equine activities' means those dangers or conditions
3 that are an integral part of equine activities, including:
4 a. The propensity of an equine to behave in ways that may result in
5 injury, harm, or death to persons on or around them;
6 b. The unpredictability of an equine's reaction to such things as
7 sounds, sudden movement, unfamiliar objects, persons, or other
8 animals;
9 c. Certain hazards such as surface and subsurface conditions;
10 d. Collisions with other equines or objects; and
11 e. The potential of a participant to act in a negligent manner that
12 may contribute to injury to the participant or others, such as
13 failing to maintain control over the animal or not acting within
14 his or her ability.
15 (7) 'Participant' means any person, whether amateur or professional, who
16 engages in an equine activity, whether or not a fee is paid to participate
17 in the equine activity.

18 **"§ 106-803. Immunity from liability.**

19 (a) Except as provided in subsection (b) of this section, an equine activity sponsor,
20 an equine professional, or any other person, including a corporation or partnership, shall
21 not be liable for an injury to or the death of a participant resulting from the inherent risks
22 of equine activities and, except as provided in subsection (b) of this section, no
23 participant or participant's representative shall maintain an action against or recover from
24 an equine activity sponsor, an equine professional, or any other person for injury, loss,
25 damage, or death of the participant resulting from any of the inherent risks of equine
26 activities.

27 (b) Nothing in subsection (a) of this section shall prevent or limit the liability of an
28 equine activity sponsor, an equine professional, or any other person if the equine activity
29 sponsor, equine professional, or person:

- 30 (1) Provided the equipment or tack, and knew or should have known that
31 the equipment or tack was faulty, and such equipment or tack was faulty
32 to the extent that it did cause the injury;
33 (2) Provided the equine and failed to make reasonable and prudent efforts to
34 determine the ability of the participant to engage safely in the equine
35 activity and to safely manage the particular equine based on the
36 participant's representations of his or her ability;
37 (3) Owns, leases, rents, or otherwise is in lawful possession and control of
38 the land or facilities upon which the participant sustained injuries
39 because of a dangerous latent condition that was known or should have
40 been known to the equine activity sponsor, equine professional, or
41 person and for which warning signs have not been conspicuously
42 posted;

