

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 944

Short Title: Equine Activity Liability.

(Public)

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Sponsors: Senators Hobbs, Little, East, Ballantine, Webster, Hoyle, Albertson, Martin of Pitt, Cochrane, Kincaid, Carrington, Foxx, Page, Clark, Ledbetter, and Sherron.

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Referred to: Judiciary I/Constitution

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May 2, 1995

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE IMMUNITY FROM LIABILITY FOR EQUINE ACTIVITIES.

3 The General Assembly of North Carolina enacts:

4 Section 1. Chapter 106 of the General Statutes is amended by adding a new  
5 Article to read:

6 **"ARTICLE 67.**

7 **"EQUINE ACTIVITY LIABILITY IMMUNITY.**

8 **"§ 106-801. Purpose; findings.**

9 The General Assembly finds that persons who participate in equine activities may  
10 incur injuries as a result of the risks involved in such activities. The General Assembly  
11 also finds that the State and its citizens derive numerous economic and personal benefits  
12 from such activities. The General Assembly further finds that this Article is necessary  
13 for the immediate preservation of the public peace, health, and safety. It is the intent of  
14 the General Assembly to encourage equine activities by limiting the civil liability of  
15 those involved in such activities.

16 **"§ 106-802. Definitions.**

17 As used in this Article, the term:

- 18 (1) 'Engage in an equine activity' means participate in an equine activity,  
19 assist a participant in an equine activity, or assist an equine activity

1 sponsor or equine professional. 'Engage in an equine activity' does not  
2 include being a spectator at an equine activity, except in cases in which  
3 the spectator places himself or herself in an unauthorized area and in  
4 immediate proximity to the equine activity.

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

6 (3) 'Equine activity' means:

7 a. Riding an equine;

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

10 c. Driving an equine;

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

13 e. Training an equine;

14 f. Boarding an equine;

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

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

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

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

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

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

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

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

40 a. Instructing a participant;

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

43 c. Renting equipment or tack to a participant;

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

19    **"§ 106-803. Immunity from liability.**

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

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

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

