

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 176

Short Title: Equine Activities/Duties and Liability.

(Public)

Sponsors: Representatives Ives; Baker, Brown, Capps, Hall, Rayfield, Sherrill, Shubert, and Weatherly.

Referred to: Judiciary II.

February 17, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY RESPONSIBILITIES FOR EQUINE ACTIVITIES AND TO
3 PROVIDE QUALIFIED IMMUNITY FROM LIABILITY.

4 The General Assembly of North Carolina enacts:

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

7 **“ARTICLE 68.**

8 **“EQUINE ACTIVITY LIABILITY IMMUNITY.**

9 **“§ 106-810. Purpose; findings.**

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

17 **“§ 106-811. Definitions.**

18 As used in this Article, the term:

- 1 (1) 'Engage in an equine activity' means participate in an equine activity,
2 assist a participant in an equine activity, or assist an equine activity
3 sponsor or equine professional. The term 'engage in an equine activity'
4 does not include being a spectator at an equine activity, except in cases
5 in which the spectator places himself in an unauthorized area and in
6 immediate proximity to the equine activity.
- 7 (2) 'Equine' means a horse, pony, mule, donkey, or hinny.
- 8 (3) 'Equine activity' means:
- 9 a. Riding an equine;
- 10 b. Participating in riding classes, therapeutic riding programs, or
11 other classes in horsemanship;
- 12 c. Driving an equine;
- 13 d. Being a passenger on an equine or a passenger in a cart or other
14 vehicle pulled by an equine;
- 15 e. Training an equine;
- 16 f. Boarding an equine;
- 17 g. Riding, inspecting, or evaluating an equine by a prospective
18 purchaser or his agent;
- 19 h. Participating in equine shows, fairs, competitions, performances,
20 or parades that involve any breed of equine and any of the equine
21 disciplines, including, dressage, hunter and jumper horse shows,
22 grand prix jumping, three-day events, combined training, rodeos,
23 driving, pulling, cutting, polo, steeplechasing, English and
24 western performance riding, endurance trail riding and western
25 games, and hunting;
- 26 i. Participating in informal or impromptu equine activities
27 including rides, trips, hunts, or other equine activities;
- 28 j. Hooftrimming or placing or replacing horseshoes on an equine;
- 29 k. Examining or administering medical treatment to an equine, or
30 assisting with the examination or administration of medical
31 treatment to an equine; and
- 32 l. Hauling, plowing, and other agricultural activities using equines.
- 33 (4) 'Equine activity sponsor' means an individual, group, club, partnership,
34 or corporation, whether the sponsor is operating for profit or nonprofit,
35 which sponsors, organizes, or provides the facilities for an equine
36 activity, including pony clubs; 4-H clubs; hunt clubs; riding clubs;
37 school- and college-sponsored classes, programs, and activities;
38 therapeutic riding programs. The term includes operators and promoters
39 of equine facilities, including stables, clubhouses, ponyride strings,
40 fairs, and arenas at which the activity is held.
- 41 (5) 'Equine professional' means a person engaged for compensation in:
- 42 a. Instructing a participant;

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

22 **"§ 106-812. Immunity from liability.**

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

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

- 34 (1) Provided the equipment or tack, and knew or should have known that
35 the equipment or tack was faulty, and such equipment or tack was faulty
36 to the extent that it did cause the injury;
37 (2) Provided the equine and failed to make reasonable and prudent efforts to
38 determine the ability of the participant to engage safely in the equine
39 activity and to safely manage the particular equine based on the
40 participant's representations of his ability;
41 (3) Owns, leases, rents, or otherwise is in lawful possession and control of
42 the land or facilities upon which the participant sustained injuries
43 because of a dangerous latent condition which was known or should

