GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 176 Committee Substitute Favorable 4/23/97

Short Title: Equine Activities/Duties and Liability.	(Public)
Sponsors:	
Referred to:	
February 17, 1997	
A BILL TO BE ENTITLED AN ACT TO CLARIFY RESPONSIBILITIES AND LIABILITY ACTIVITIES. The General Assembly of North Carolina enacts:	FOR EQUINE
Section 1. Chapter 106 of the General Statutes is amended Article to read:	by adding a new
"ARTICLE 68.	
"EQUINE ACTIVITY LIABILITY.	
" <u>§ 106-810. Purpose; findings.</u>	
The General Assembly finds that persons who participate in equi	
incur injuries as a result of the risks involved in such activities. The C	
also finds that the State and its citizens derive numerous economic and from such activities. It is, therefore, the intent of the General Assem	-
equine activities by clarifying the responsibilities of equine activity	
professionals, and participants in equine activities.	sponsors, equine
"§ 106-811. Definitions.	
As used in this Article, the term:	
(1) 'Engage in an equine activity' means participate in a	n equine activity

assist a participant in an equine activity, or assist an equine activity

1		sponsor or equine professional. The term 'engage in an equine activity'
2		does not include being a spectator at an equine activity, except in cases
3		in which the spectator places himself 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	(2) (3)	'Equine activity' means any activity involving an equine.
7	$\overline{(4)}$	'Equine activity sponsor' means an individual, group, club, partnership,
8		or corporation, whether the sponsor is operating for profit or nonprofit,
9		which sponsors, organizes, or provides the facilities for an equine
10		activity. The term includes operators and promoters of equine facilities.
11	<u>(5)</u>	'Equine professional' means a person engaged for compensation in:
12	` ,	a. Instructing a participant;
13		b. Renting an equine to a participant for the purpose of riding,
14		driving, or being a passenger upon the equine;
15		c. Renting equipment or tack to a participant;
16		<u>d.</u> Examining or administering medical treatment to an equine; or
17		e. Hooftrimming or placing or replacing horseshoes on an equine.
18	<u>(6)</u>	'Inherent risks of equine activities' means those dangers or conditions
19	` ,	which are an integral part of equine activities, including:
20		a. The possibility of an equine behaving in ways that may result in
21		injury, harm, or death to persons on or around them; and
22		b. The unpredictability of an equine's reaction to such things as
23		sounds, sudden movement, unfamiliar objects, persons, or other
24		animals.
25	<u>(7)</u>	'Participant' means any person, whether amateur or professional, who
26		engages in an equine activity, whether or not a fee is paid to participate
27		in the equine activity.
28	" <u>§ 106-812. Lia</u>	<u>bility.</u>
29	(a) Excep	ot as provided in subsection (b) of this section, an equine activity sponsor,
30	an equine profes	ssional, or any other person, including a corporation or partnership, shall
31	not be liable for	an injury to or the death of a participant resulting from the inherent risks
32	of equine activ	vities and, except as provided in subsection (b) of this section, no
33	participant or pa	articipant's representative shall maintain an action against or recover from
34	an equine activi	ity sponsor, an equine professional, or any other person for injury, loss,
35	damage, or deat	h of the participant resulting exclusively from any of the inherent risks of
36	equine activities	<u> </u>
37	(b) Nothi	ng in subsection (a) of this section shall prevent or limit the liability of an
38	equine activity sponsor, an equine professional, or any other person if the equine activity	
39	sponsor, equine professional, or person:	
40	<u>(1)</u>	Provided the equipment or tack, and knew or should have known that
41		the equipment or tack was faulty, and such equipment or tack was faulty

to the extent that it did cause the injury;

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- Provided the equine and failed to make reasonable and prudent efforts to determine the ability of the participant to engage safely in the equine activity or to safely manage the particular equine;
 - (3) Commits an act or omission that constitutes willful or wanton disregard for the safety of the participant, and that act or omission caused the injury; or
 - (4) <u>Intentionally injures the participant.</u>
 - (c) Nothing in subsection (a) of this section shall prevent or limit the liability of an equine activity sponsor or an equine professional under liability provisions as set forth in the products liability laws.

"§ 106-813. Warning required.

- (a) Every equine professional and every equine activity sponsor shall post and maintain signs which contain the warning notice specified in subsection (b) of this section. The signs required by this section shall be placed in a clearly visible location on or near stables, corrals, or arenas where the equine professional or the equine activity sponsor conducts equine activities. The warning notice specified in subsection (b) of this section shall be designed by the Department of Agriculture and shall consist of a sign in black letters, with each letter to be a minimum of one inch in height. Every written contract entered into by an equine professional or by an equine activity sponsor for the providing of professional services, instruction, or the rental of equipment or tack or an equine to a participant, whether or not the contract involves equine activities on or off the location or site of the equine professional's or the equine activity sponsor's business, shall contain in clearly readable print the warning notice specified in subsection (b) of this section.
- (b) The signs and contracts described in subsection (a) of this section shall contain the following warning notice:

'WARNING

Under North Carolina law, an equine activity sponsor or equine professional is not liable for an injury to or the death of a participant in equine activities resulting exclusively from the inherent risks of equine activities. Article 68, Chapter 106 of the North Carolina General Statutes.'

- (c) Failure to comply with the requirements concerning warning signs and notices provided in this Article shall prevent an equine activity sponsor or equine professional from invoking the privileges of immunity provided by this Article."
- Section 2. This act becomes effective January 1, 1998, and applies to causes of action arising on or after that date.