

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4175**

A bill to amend 1994 PA 351, entitled
"Equine activity liability act,"
by amending section 5 (MCL 691.1665).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. Section 3 does not prevent or limit the liability of
2 an equine activity sponsor, equine professional, or another person
3 if the equine activity sponsor, equine professional, or other
4 person does any of the following:

5 (a) Provides equipment or tack and knows or should know that
6 the equipment or tack is faulty, and the equipment or tack is
7 faulty to the extent that it is a proximate cause of the injury,
8 death, or damage.

9 (b) Provides an equine and fails to make reasonable and
10 prudent efforts to determine the ability of the participant to
11 engage safely in the equine activity and to determine the ability

1 of the participant to safely manage the particular equine. A person
2 shall not rely upon a participant's representations of his or her
3 ability unless these representations are supported by reasonably
4 sufficient detail.

5 (c) Owns, leases, rents, has authorized use of, or otherwise
6 is in lawful possession and control of land or facilities on which
7 the participant sustained injury because of a dangerous latent
8 condition of the land or facilities that is known to the equine
9 activity sponsor, equine professional, or other person and for
10 which warning signs are not conspicuously posted.

11 (d) ~~Commits a negligent~~ **IF THE PERSON IS AN EQUINE ACTIVITY**
12 **SPONSOR OR EQUINE PROFESSIONAL, COMMITS AN** act or omission that
13 constitutes **A WILLFUL OR WANTON DISREGARD FOR THE SAFETY OF THE**
14 **PARTICIPANT, AND THAT IS** a proximate cause of the injury, death, or
15 damage.

16 (E) **IF THE PERSON IS NOT AN EQUINE ACTIVITY SPONSOR OR EQUINE**
17 **PROFESSIONAL, COMMITS A NEGLIGENT ACT OR OMISSION THAT CONSTITUTES**
18 **A PROXIMATE CAUSE OF THE INJURY, DEATH, OR DAMAGE.**

19 Enacting section 1. This amendatory act takes effect 90 days
20 after the date it is enacted into law.