

HOUSE BILL No. 5416

December 17, 1991, Introduced by Reps. Gilmer, DeMars, Willis Bullard, Martin, Johnson, Ostling, Byrum, Muxlow and Hickner and referred to the Committee on Judiciary.

A bill to limit civil liability related to equine activities; and to prescribe certain duties for equine professionals.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "equine activity liability act".

3 Sec. 2. As used in this act:

4 (a) "Engages in an equine activity" means riding, training,
5 driving, being a passenger upon, or assisting in the medical
6 treatment of an equine, whether mounted or unmounted. Engages in
7 an equine activity includes assisting a participant or show man-
8 agement, but does not include spectating at an equine activity,
9 unless the spectator places himself or herself in an unauthorized
10 area and in immediate proximity to the equine activity.

11 (b) "Equine activity" means any of the following:

1 (i) An equine show, fair, competition, performance, or
2 parade including, but not limited to, dressage, a hunter and
3 jumper horse show, grand prix jumping, a 3-day event, combined
4 training, a rodeo, driving, pulling, cutting, polo, steeplechas-
5 ing, English and western performance riding, endurance trail
6 riding, western games, and hunting.

7 (ii) Equine training.

8 (iii) Boarding equines.

9 (iv) Riding, inspecting, or evaluating an equine belonging
10 to another, whether or not the owner receives monetary considera-
11 tion or another thing of value for the use of the equine or is
12 permitting a prospective purchaser of the equine to ride,
13 inspect, or evaluate the equine.

14 (v) A ride, trip, hunt, or other equine activity, however
15 informal or impromptu, that is sponsored by an equine activity
16 sponsor.

17 (vi) Placing or replacing a horseshoe on an equine.

18 (c) "Equine activity sponsor" means an individual, group,
19 club, partnership, or corporation, whether or not operating for
20 profit, that sponsors, organizes, or provides the facilities for
21 an equine activity, including, but not limited to, a pony club;
22 4-H club; hunt club; riding club; school- or college-sponsored
23 class, program, or activity; therapeutic riding program; and
24 operator, instructor, or promoter of an equine facility includ-
25 ing, but not limited to, a stable, clubhouse, ponyride string,
26 fair, or arena at which the equine activity is held.

1 (d) "Equine professional" means a person engaged in any of
2 the following for compensation:

3 (i) Instructing a participant in an equine activity.

4 (ii) Renting an equine, equipment, or tack to a
5 participant.

6 (e) "Inherent risk of an equine activity" means a danger or
7 condition that is an integral part of an equine activity, includ-
8 ing, but not limited to, any of the following:

9 (i) An equine's propensity to behave in ways that may result
10 in injury or death to a person on or around it.

11 (ii) The unpredictability of an equine's reaction to things
12 such as sounds, sudden movement, and people, other animals, or
13 unfamiliar objects.

14 (iii) A physical hazard such as a surface or subsurface
15 condition.

16 (iv) Colliding with another equine or object.

17 (v) A participant's potential to act in a negligent manner
18 that may contribute to injury to the participant or others
19 including, but not limited to, failing to maintain control over
20 the animal or not acting within his or her ability.

21 (f) "Participant" means an individual, whether amateur or
22 professional, engaged in an equine activity, whether or not a fee
23 is paid to participate.

24 Sec. 3. (1) Except as otherwise provided in this section
25 and section 4, an equine activity sponsor, an equine profession-
26 al, or another person is not liable for an injury to or the death
27 of a participant resulting from an inherent risk of an equine

1 activity. Except as otherwise provided in section 4, a
2 participant or participant's representative shall not make a
3 claim for, or recover, civil damages from an equine activity
4 sponsor, an equine professional, or another person for injury to
5 or the death of the participant resulting from an inherent risk
6 of equine activity.

7 (2) This section does not apply to an equine professional
8 that does not comply with section 5.

9 Sec. 4. (1) This act does not apply to the horse racing
10 industry as regulated by the racing law of 1980, Act No. 327 of
11 the Public Acts of 1980, being sections 431.61 to 431.88 of the
12 Michigan Compiled Laws.

13 (2) Section 3 does not prevent or limit the liability of an
14 equine activity sponsor, equine professional, or another person
15 if the equine activity sponsor, equine professional, or other
16 person did any of the following:

17 (a) Provided equipment or tack, knew or should have known
18 that the equipment or tack was faulty, and the equipment or tack
19 was faulty to the extent that it caused the injury or death.

20 (b) Provided an equine and failed to make reasonable and
21 prudent efforts to determine the ability of the participant to
22 engage safely in the equine activity and to determine the ability
23 of the participant to safely manage the particular equine based
24 on the participant's representations of his or her ability.

25 (c) At the time of the injury or death, owned, leased,
26 rented, or otherwise was in lawful possession and control of land
27 or facilities upon which the participant sustained injury or

1 death because of a dangerous latent condition of the land or
2 facilities that was known to the equine activity sponsor, equine
3 professional, or other person and for which warning signs were
4 not conspicuously posted.

5 (d) Committed an act or omission that constitutes willful or
6 wanton disregard for the safety of the participant, and that act
7 or omission was a proximate cause of the injury or death.

8 (e) Intentionally injured the participant.

9 (3) Section 3 does not prevent or limit the liability of an
10 equine activity sponsor or an equine professional under the law
11 governing products liability.

12 Sec. 5. (1) An equine professional shall post and maintain
13 signs that contain the warning notice set forth in subsection
14 (3). The signs shall be placed in a clearly visible location on
15 or near each stable, corral, or arena where the equine profes-
16 sional conducts an equine activity if the stable, corral, or
17 arena is owned, managed, or controlled by the equine
18 professional. The warning notice shall appear on the sign in
19 black letters on a white background, and each letter shall be a
20 minimum of 1 inch in height.

21 (2) A written contract entered into by an equine profes-
22 sional for providing professional services, instruction, or
23 rental of equipment, tack, or an equine to a participant, whether
24 or not the contract involves an equine activity on or off the
25 location or site of the equine professional's business, shall
26 contain in clearly readable print the warning notice set forth in
27 subsection (3).

