



HOUSE BILL No. 5006

August 31, 1993, Introduced by Reps. Llewellyn, DeMars, Walberg, Varga, McBryde, Gnodtke, Hill and Galloway and referred to the Committee on Agriculture and Forestry.

A bill to regulate 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 providing or assisting in
6 veterinary treatment of an equine, whether mounted or unmounted.

7 Engages in an equine activity includes visiting, touring, or uti-
8 lizing an equine facility as part of an organized event or activ-
9 ity, or assisting a participant or show management. Engages in

10 equine activity does not include spectating at an equine

11 activity, unless the spectator places himself or herself in an

1 unauthorized area and in immediate proximity to the equine
2 activity.

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

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

10 (ii) Equine training or teaching activities.

11 (iii) Boarding equines, including their normal daily care.

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

17 (v) A ride, trip, hunt, or other equine activity, however
18 informal or impromptu, that is sponsored by an equine activity
19 sponsor.

20 (vi) Placing or replacing a horseshoe on or hoof trimming of
21 an equine.

22 (c) "Equine activity sponsor" means an individual, group,
23 club, partnership, or corporation, whether or not operating for
24 profit, that sponsors, organizes, or provides the facilities for
25 an equine activity, including, but not limited to, a pony club;
26 4-H club; hunt club; riding club; school- or college-sponsored
27 class, program, or activity; therapeutic riding program; stable

1 or farm owner; and operator, instructor, or promoter of an equine
2 facility including, but not limited to, a stable, clubhouse,
3 ponyride string, fair, or arena at which the equine activity is
4 held.

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

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

8 (ii) Renting an equine, equipment, or tack to a
9 participant.

10 (iii) Providing daily care of horses boarded at an equine
11 facility.

12 (iv) Training an equine.

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

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

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

21 (iii) A hazard such as a surface or subsurface condition.

22 (iv) Colliding with another equine or object.

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

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

4 Sec. 3. Except as otherwise provided in section 4, an
5 equine activity sponsor, an equine professional, or another
6 person is not liable for an injury to or the death of a partici-
7 pant resulting from an inherent risk of an equine activity.
8 Except as otherwise provided in section 4, a participant or
9 participant's representative shall not make a claim for, or
10 recover, civil damages from an equine activity sponsor, an equine
11 professional, or another person for the injury, loss, damage, or
12 death of the participant resulting from an inherent risk of
13 equine activity.

14 Sec. 4. (1) This act does not apply to the horse race meet-
15 ing that is regulated by the racing law of 1980, Act No. 327 of
16 the Public Acts of 1980, being sections 431.61 to 431.88 of the
17 Michigan Compiled Laws.

18 (2) Section 3 does not prevent or limit the liability of an
19 equine activity sponsor, equine professional, or another person
20 if the equine activity sponsor, equine professional, or other
21 person does any of the following:

22 (a) Provides equipment or tack, knows or should know that
23 the equipment or tack is faulty, and the equipment or tack is
24 faulty to the extent that it causes the injury or death.

25 (b) Provides an equine and fails to make reasonable and pru-
26 dent efforts to determine the ability of the participant to
27 engage safely in the equine activity and to determine the ability

1 of the participant to safely manage the particular equine based
2 on the participant's representations of his or her ability.

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

9 (d) Commits an act of omission that constitutes willful or
10 wanton disregard for the safety of the participant, and that act
11 of omission was a proximate cause of the injury or death.

12 (e) Intentionally injures the participant.

13 Sec. 5. (1) An equine professional shall post and maintain
14 signs that contain the warning notice set forth in subsection
15 (3). The signs shall be placed in a clearly visible location in
16 the proximity of the equine activity. The warning notice shall
17 appear on the sign in black letters and each letter shall be a
18 minimum of 1 inch in height.

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

26 (3) A sign or contract described in this section shall
27 contain substantially the following warning notice:

WARNING

1
2 Under the Michigan equine activity liability
3 act, an equine professional is not liable for an
4 injury to or the death of a participant in an
5 equine activity resulting from an inherent risk
6 of the equine activity.

7 Sec. 6. This act applies only to a cause of action filed on
8 or after the effective date of this act.