

# Legislative Analysis



## EQUINE ACTIVITY LIABILITY ACT AMENDMENT

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### House Bill 4867

Sponsor: Rep. Joel Johnson

1st Committee: Judiciary

2nd Committee: Agriculture

Complete to 3-27-12

### A SUMMARY OF HOUSE BILL 4867 AS INTRODUCED 7-27-11

Generally speaking, Section 3 of the Equine Activity Liability Act (MCL 691.1665) provides that an equine activity sponsor, professional, or another person is not liable for the injury to or the death of a participant resulting from an inherent risk of an equine activity.

(The term "equine" in the act means horse, pony, mule, and donkeys. The act applies to a wide range of activities involving horses and the other animals.)

The act lists specific circumstances in which immunity from liability would not apply. House Bill 4867 would amend Section 5 of the act to provide that, among other things, an act or omission that constitutes a *willful or wanton disregard for the safety of the participant*, and that is a proximate cause of injury, death, or damage does not prevent or limit the liability of an equine activity sponsor, equine professional, or another person. Under current law, liability is not prevented or limited if equine professionals, activity sponsors, and other people commit a *negligent* act that constitutes a proximate cause of the injury or death. The new "willful or wanton disregard" language would replace "negligent."

The act defines an "equine activity sponsor" as an individual, group, club, partnership, or corporation, whether or not operating for profit, that sponsors, organizes, or provides the facilities for an equine activity, including, but not limited to, a pony club; 4-H club; hunt club; riding club; school- or college-sponsored class, program, or activity; therapeutic riding program; stable or farm owner; and operator, instructor, or promoter of an equine facility including, but not limited to, a stable, clubhouse, ponyride string, fair, or arena at which the equine activity is held.

An "equine professional" means a person engaged in any of the following for compensation: instructing a participant in an equine activity; renting an equine, equipment, or tack to a participant; providing daily care of horses boarded at an equine facility; training an equine; or breeding of equines for resale or stock replenishment.

### FISCAL IMPACT:

The bill would have no significant fiscal impact on state or local government.

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