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House Bill 4867 (as passed by the House)
Sponsor: Representative Joel Johnson
First House Committee: Judiciary
Second House Committee: Agriculture
Senate Committee: Judiciary

Date Completed: 12-10-12

CONTENT

The bill would amend the Equine Activity Liability Act to revise one of the exceptions to liability protections under the Act, by changing the standard from negligence to willful and wanton disregard for safety.

The Act generally limits the liability of certain people for injury, death, or property damage resulting from an inherent risk of an equine activity (i.e., a danger or condition that is an integral part of an equine activity). The Act contains exceptions under which liability is not limited. One of these exceptions applies when an equine activity sponsor, equine professional, or another person commits a negligent act or omission that constitutes a proximate cause of the injury, death, or damage.

Under the bill, this exception instead would apply when an equine activity sponsor, equine professional, or another person committed an act or omission that constituted a willful or wanton disregard for the safety of the participant, and that was a proximate cause of the injury, death, or damage.

(The Act defines "equine" as horse, pony, mule, donkey, or hinny. "Equine activity" means any of the following:

- An equine show, fair, competition, performance, or parade including dressage, a hunter and jumper horse show, grand prix jumping, a three-day event, combined training, a rodeo, riding, driving, pulling, cutting, polo, steeplechasing, English and western performance riding, endurance trail riding, gymkhana games, and hunting.
- Equine training or teaching activities.
- Boarding equines, including their normal daily care.
- Breeding equines, including the normal daily care and activities associated with breeding equines.
- Riding, inspecting, or evaluating an equine belonging to another, whether or not the owner receives monetary consideration or another thing of value for the use of the equine or is permitting a prospective purchaser of the equine or an agent to ride, inspect, or evaluate the animal.
- A ride, trip, hunt, or other activity, however informal or impromptu, that is sponsored by an equine activity sponsor.
- Placing or replacing a horseshoe on or hoof trimming of an equine.

"Equine activity sponsor" means 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 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 a stable, clubhouse, pony ride string, fair, or arena at which the equine activity is held.

"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.
- Breeding of equines for resale or stock replenishment.)

MCL 691.1665

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

By raising the legal standard from "negligence" to "willful or wanton misconduct", the bill could result in a minor, perhaps negligible, reduction in caseload for local courts. In the long run, large drops in caseload (larger than would be associated with this bill alone) could allow for a reduction in judicial resources.

Fiscal Analyst: Dan O'Connor

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.