

Equine Activity Liability Acts - Region 5

Alabama, Florida, Georgia, Mississippi, Tennessee

Starkville, MS July 29-31, 2016

Disclaimer -- This presentation and supporting material is not intended to take the place of legal advice on a specific matter nor to establish the attorney-client relationship. It is designed for informational and educational purposes. Participants are encouraged to seek legal counsel from an attorney properly licensed in his or her state and who regularly practices equine law in his or her state. Please be mindful that if you establish an attorney-client relationship, for legal advice and valid representation, all pertinent facts must be disclosed to your attorney.

I. Introduction to the Equine Activity Liability Acts (EALA)

In the mid-1980's several groups, led primarily by the American Horse Council, began promoting the passage of a liability act to protect owners and participants in equestrian activities. The underlying intention of Equine Activity Liability Act is to encourage equine activities by limiting civil liability of those individuals who offer, organize, or sponsor equine activities. Equine activities provide a variety of benefits to the states in which they occur including a significant economic impact. Studies sponsored by the American Horse Council (see website) reported that in 2005, the horse industry contributed approximately \$39 billion in direct economic impact to the U.S. economy, including 1.4 million full time jobs and total spending reached \$102 billion. Among other things, EALAs are designed to support the horse community by limiting liability from the inherent risks associated with horse activities, but do not offer complete immunity. Mishaps involving non-inherent risks fall outside the scope of the law – things like faulty tack or equipment, failing to properly match mount and rider, negligence in any way – supervision, instruction, duty of care owed., etc.

Initially a uniform act was circulated in the 1980's. Over the next three decades an act was introduced and passed in some form by 47 states. The most recent was passed by Nevada in 2015, effective October 2015. Although the EALA was originally designed to be a uniform law, individual states adjusted and reworked the version that passed their individual state legislature. What passed in individual states was changed and modified before final passage to the extent that it no longer resembles a uniform law and one cannot rely on the version passed in one state to apply in another. Laws differ and must be carefully considered in each state to determine what application and immunity is available in that state. Liability assessment varies state by state and is primarily dependent on the specific language of the unique statute in each state. Before considering what protection is offered by an EALA in any particular state, one must closely read the version that passed in that state, and when possible, read cases to see how the courts in that state have interpreted and applied that law to the unique facts presented in each case.

→ CAVEAT ---- STATE LAW CONTROLS.

Currently, several online equine resources provide descriptions and links to the various state statutes throughout the country, as well as some discussions regarding possible legal interpretations. For further reading on this subject please refer to the websites of *The American*

Horse Council, The American Equestrian Alliance, Equine Legal Solutions, and numerous insurance websites that offer coverage for equine activities. Additional internet information is available by doing a search on “Equine Activity Liability Act (or Law)”. Many resources exist, including magazine articles, blogs, law review articles, etc. The reader is cautioned to consider the source of the information before relying on it. Additionally, one must consider the jurisdiction and any changes that may have been made to the law since its enactment.

II. Your Individual State law and Components of EALAs.

All but 3 states (CA, MD, NY) have enacted some form of an EALA. Copies of the states’ laws in this region are at the end of this outline. Because the state legislatures can change the law and regularly do so, it is important to make certain that the state law you are relying on is current. To find the current law in your state you may request it from an attorney in your state or obtain it from a subscriber service like West Law, Lexis Nexis, etc. (fees may apply). Alternatively, you may find your state law on the Internet in a several locations: 1) The website for most state legislatures contains a link to the state code; 2) Internet search of “Equine Activity Liability Act”; 3) Website for your county extension office, state horse council, or the American Horse Council; or 4) the lists on the websites of The American Equestrian Alliance and animallaw.info.

Once you obtain a copy of the EALA in your state and verify that it is the current law, break down the specific parts of your law to determine primary points. This is similar to reading the outline you prepared for your high school theme papers. Hierarchy -- Learn how your law is structured and identify the parts. Generally, EALAs contain about 4 components in some order:

1. Definitions – CRITICAL that you understand these in your state. What qualifies as an equine activity, equine professional, equine sponsor, participant, equine (or animal!), inherent risks, etc. is a threshold matter that controls whether the EALA applies.
2. Statement of limited immunity granted by the law.
3. Exceptions.
4. Requirements to invoke the limited immunity this could be signage, notices on contracts, wordings on releases, etc. Failure to comply with requirements and the law may not protect you!

III. Case Law

When a case is determined by a court, it becomes legal precedent and is binding on very specific facts and law. A case determined in one state may NOT be binding legal precedent in another state for many reasons. First, the laws in the two states must be identical. Any variation in the law from one state to another state can result in a completely different outcome. Similarly, the facts must be nearly identical. Even a slight variation in the facts can result in a totally different determination by the court. These two things, the law and the specific facts of the case, are threshold matters. It is critical that you carefully select an attorney who is well-versed in the equine laws of your state and once you chose your legal counsel, you must be very open and totally candid concerning the exact details (facts) of your situation. A case in a lower court (trial) must be appealed to an upper level court to have a published opinion that can be cited as case law. Some cases are reported without an opinion and are of no legal consequence elsewhere.

Helpful terms in reading legal cases: At the trial (lower) court level, the *Plaintiff* is the one who brings the action and the *Defendant* is the one who is being sued. If the case goes to a higher court, new names for the parties: the *Appellant* is the one (may be the plaintiff or defendant) who is unhappy with what the trial court decided and takes the case (appeals) to a higher court for consideration hoping for a change in the result. The *Appellee* is in the position on appeal of defending the ruling of the lower court.

IV. Some Interesting Cases

Fun to read and can offer you some guidance but be very careful relying on the result if your law and facts differ in any way! There are several cases you can find with an online search. Enjoy the read!

Amburgey v. Sauder, 605 N.W. 2d 84, Michigan, (1999)

The plaintiff, Amburgey, claimed damages for injuries to her arm and shoulder as a result of being bitten by a horse as she was walking in the hallway of defendant Sauder's boarding stable. The court determined that the intent of the Michigan EALA was to grant immunity to qualifying defendants for certain acts or omissions. It was determined that by the express definition contained in the EALA, Amburgey was a "participant" who was "engaged in an equine activity" while touring the barn (Michigan statute included "visiting, touring, or utilizing an equine facility" within the definition of equine activity) and therefore, Amburgey fell within the class of persons who were barred from recovering from a qualified defendant. The Michigan statute, required posting of specific notices and evidence was presented that more than one appropriate sign was posted "in a clearly visible location in close proximity to the equine activity." A goat had eaten one of the signs. Other signs posted elsewhere, including at the main entrance, were intact. Because there was appropriate posting of signs, Sauder, who met the statutory definition of "equine professional", could invoke the protections of the EALA and Amburgey was barred from recovery. This case contains an excellent judicial discussion regarding the strict interpretation of the actual words of the Michigan EALA as well as the purposes of the enactment of the EALA. It also, by footnote, cites the "penalty" imposed by the Alabama EALA for failure to post a sign; i.e. the law will not protect!

A similar horse bite case was determined in Connecticut under similar EALA. See **Vendrella v. Astriab**, 87 A. 3d 546, (2014) final decision at 60 Conn. L. Rptr. 592 (July 2015). Vendrella has a long history, was bounced around in the courts on legal and technical issues, not related to the EALA. However, good language and fun reading regarding the propensity of a horse to bite.

Kangas v. Perry, 620 N.W. 2d 429, Wisconsin (2000)

Kangas claimed damages for injuries she sustained when she fell backwards from a horse-drawn sled owned by Perry. Kangas was standing behind the only seat on the sled and during a rest stop, let go of the seat to open a beer. When the horses unexpectedly moved forward, she lost her balance and fell off backwards sustaining serious injuries. Perry trained and competed draft horses and used a sled for some of the training. Kangas was visiting the horse farm with her husband and was invited to ride on the sled. She chose her position on the sled and was caught off-guard while opening a beer. Finding that Perry was an equine activity sponsor

within the definition of the Wisconsin EALA, and that Kangas was a participant, the court applied the protections of that law to Perry. The court further found that the propensity of a horse to move without warning is an inherent risk of equine activity as contemplated by the statute.

Gamble v. Peyton, 182 S.W. 3d 1, Texas, (2005)

Plaintiff Peyton claimed damages from falling from a horse she was purchasing from Defendant, Gamble. The trainer rode the horse, then Peyton rode the horse in Gamble's riding pen under Gamble's trainer's supervision. As Peyton was dismounting, the horse tossed her and she seriously injured her back requiring surgery. The trainer had mentioned the fire ants in the pen before Peyton mounted and when he returned the horse to the barn after the accident, he found fire ants on the horse's back legs. Peyton sued and Gamble prevailed under the Texas EALA. The court found that Gamble was a horse professional, and that Peyton was a participant in an equine activity. The court determined that the presence of fire ants in an outdoor riding pen is a natural condition that was known to Peyton and the behavior of the horse was an inherent risk of riding.

Gibson V. Donahue, 772 N.E. 2d 646, Ohio, 2002.

Rider Gibson, on her own horse, suffered personal injuries when she fell from her horse after being chased by free-running dogs on a city-owned field. Gibson sued Donahue, the dog-owner, and the city. Donahue claimed immunity under the EALA – court said EALA cannot be applied to dog owner or city, and simply does not qualify under the terms of the equine law. However, the leash laws might make the dog owner responsible so it was sent back to the trial court to consider that. City, of course, went out on immunity. This case is hilarious reading and worth the view!

Friedli v. Kerr, Tenn. App., not reported in S.W.3d, 2001 WL 177184, Tennessee.(2001)

The Friedli's were touring downtown Nashville in horse-drawn carriage owned by Kerr when a loud noise frightened the horse and the horse bolted. Ultimately, the Friedli's were dumped on the street, the horse broke free, and then went his usual route without the carriage, the driver, or the passengers. The Friedli's sued and Kerr claimed EALA. The trial court originally determined that Kerr owed a heightened duty of care as an "amusement ride operator" or as a "common carrier" rather than as an equine professional under EALA. On appeal, the Ct. of Appeals determined that this was a case of first impression and disagreed with the t/ct. The appeals court held that Kerr owed the Friedli's only an ordinary duty of care. The appeals court expressly reversed the t/ct's judgment determining that Kerr should NOT be held to the same heightened duty expected of common carriers and operators of amusement rides and remanded for the t/ct to proceed consistent with that holding. Case made no final rulings whether the EALA applied. Costs were taxed to BOTH parties – giving rise to doubt and questions.

Stoffels v. Harmony Hill, 912 A. 2d 184, New Jersey (2006).

Plaintiff Stoffels was injured when she was thrown from a horse owned by Harmony Hills. T/ct initially ruled for defendant giving full coverage to the EALA. NJ Superior court held it was a case of first impression, that EALA clearly applied, however, not absolute immunity. Rider claimed on appeal that the stable owner was negligent in horse assignment for her abilities. Appeals court returned to the t/ct for a determination of whether the stable owner was negligent in matching the horse and rider. No further published opinion.

Snider v. Ft. Madison Rodeo, 2002 WL 570890, Iowa (2002) Unpublished opinion.

Plaintiff Snider crossed the street mid-parade and was injured by a pony in the parade. She sued the parade sponsor, the rodeo company. T/ct ruled against Snider and she appealed. The Court of Appeals in Iowa upheld that summary judgment was proper. (Summary judgment is when there is no material issue of fact and the moving party, here Ft. Madison, is entitled to judgment as a matter of law.) A spectator is specifically listed as a participant involved in a “domestic animal activity” according to the very terms of the Iowa EALA and therefore, the sponsor was not responsible for the injuries.

V. Take Away.

KNOW YOUR LAW! The law in someone else’s state has no implication in your state!
Discussion focusing on the comparative analysis of the Equine Activity Liability Acts in Region 5 -- Alabama, Florida, Georgia, Mississippi, Tennessee.

ALABAMA -- Code of Ala. § 6-5-337

§ 6-5-337. *Immunity of those involved in equine activities.*

(a) The legislature recognizes that persons who participate in equine activities may incur injuries as a result of the risks involved in those activities. The legislature also finds that the state and its citizens derive numerous economic and personal benefits from equine activities. The legislature finds, determines, and declares that for the immediate preservation of the public peace, health, and safety, and to encourage equine activities, this legislation is to limit the civil liability of those involved in equine activities.

(b) As used in this section, the following words shall mean the following unless the context clearly indicates otherwise:

(1) Engages in an equine activity. Riding, training, providing, or assisting in providing medical treatment of, driving, or being a passenger upon an equine, whether mounted or unmounted, or any person assisting a participant or show management in equine activities. The term does not include being a spectator at an equine activity, except in cases where the spectator places himself or herself in an unauthorized area and in immediate proximity to the equine activity.

(2) Equine. A horse, pony, mule, donkey, or hinny.

(3) Equine activity. Any of the following:

a. Equine shows, fairs, competitions, performances, or parades that involve any or all breeds of equines and any of the equine disciplines, including, but not limited to: dressage, hunter and jumper horse shows, grand prix jumping, three-day events, combined training, rodeos, driving, pulling, cutting, polo, steeplechasing, English and western performance riding, endurance trail riding and western games, and hunting.

b. Equine training or teaching activities, or both.

c. Boarding equines.

d. Riding, inspecting, or evaluating an equine belonging to another, whether or not the owner has received some monetary consideration or other thing of value for the use of the equine or is permitting a prospective purchaser of the equine to ride, inspect, or evaluate the equine.

e. Rides, trips, hunts, or other equine activities of any type, however informal or impromptu, that are sponsored by an equine-activity sponsor.

f. Placing or replacing horseshoes on an equine.

g. Examining or administering medical treatment to an equine by a veterinarian.

(4) Equine activity sponsor. An individual, group, club, partnership, or corporation, whether or not the sponsor is operating for profit or nonprofit, which sponsors, organizes, or provides the facilities for an equine activity, including, but not limited to: pony clubs, 4-H clubs, hunt clubs, riding clubs, school and college sponsored classes, programs, and activities, therapeutic riding programs, and operators, instructors, and promoters of equine facilities, including, but not limited to, stables, clubhouses, ponyride strings, fairs, and arenas at which the activity is held.

(5) Equine professional. A person engaged for compensation in:

a. Instructing a participant or renting to a participant an equine for the purpose of riding, driving, or being a passenger upon the equine.

b. Renting equipment or tack to a participant.

c. Examining or administering medical treatment to an equine as a veterinarian.

(6) Inherent risks of equine activities. Those dangers or conditions which are an integral part of equine activities, including, but not limited to:

a. The propensity of an equine to behave in ways that may result in injury, harm, or death to persons on or around them.

b. The unpredictability of the reaction of an equine to sounds, sudden movement, and unfamiliar objects, persons, or other animals.

c. Certain hazards such as surface and subsurface conditions.

d. Collisions with other equines or objects.

e. The potential of a participant to act in a negligent manner that may contribute to injury to the participant or others, such as failing to maintain control over the animal or not acting within his or her ability.

(7) Participant. Any person, whether amateur or professional, who engages in an equine activity, whether or not a fee is paid to participate in the equine activity.

(c) (1) Except as provided in subdivisions (c)(2) and (c)(3), an equine activity sponsor, an equine professional, or any other person, which shall include a corporation or partnership, shall not be liable for an injury to or the death of a participant resulting from the inherent risks of equine activities and, except as provided in subdivisions (c)(2) and (c)(3), no participant or representative of a participant shall make any claim against, maintain an action against, or recover from an equine-activity sponsor, an equine professional, or any other person for injury, loss, damage, or death of the participant resulting from any of the inherent risks of equine activities.

(2) Nothing in subdivision (c)(1) shall prevent or limit the liability of an equine-activity sponsor, an equine professional, or any other person if the equine-activity sponsor, equine professional, or person:

a. Provided the equipment or tack, and knew or should have known that the equipment or tack was faulty, and the equipment or tack was faulty to the extent that it did cause the injury.

b. Provided the equine and failed to make reasonable and prudent efforts to determine the ability of the participant to engage safely in the equine activity and to safely manage the particular equine based on the participant's representations of his or her ability.

c. Owns, leases, rents, or otherwise is in lawful possession and control of the land or facilities upon which the participant sustained injuries because of a dangerous latent condition which was known or should have been known to the equine-activity sponsor, equine professional, or person and for which warning signs have not been conspicuously posted.

d. Commits an act or omission that constitutes willful or wanton disregard for the safety of the participant, and that act or omission caused the injury.

e. Intentionally injures the participant.

(3) Nothing in subdivision (c)(1), shall prevent or limit the liability of an equine activity sponsor or an equine professional under liability provisions as set forth in the products liability laws.

(d) (1) Every equine professional and every equine- activity sponsor shall post and maintain signs which contain the warning notice specified in subdivision (d)(2). Signs shall be placed in a clearly visible location on or near stables, corrals, or areas where the equine professional or the equine-activity sponsor conducts equine activities. The warning notice specified in subdivision (d)(2) shall appear on the sign in black letters, with each letter to be a minimum of one inch in height. Every written contract entered into by an equine professional or by an equine- activity sponsor for the providing of professional services, instruction, or the rental of equipment or tack or an equine to a participant, whether or not the contract involves equine activities on or off the location or site of the equine professional's or the equine-activity sponsor's business, shall contain in clearly readable print the warning notice specified in subdivision (d)(2).

(2) The signs and contracts described in subdivision (d)(1) shall contain the following warning notice:

WARNING

Under Alabama law, an equine activity sponsor or equine professional is not liable for an injury to or the death of a participant in equine activities resulting from the inherent risks of equine activities, pursuant to the Equine Activities Liability Protection Act.

(3) Failure to comply with the requirements concerning warning signs and notices provided in this section shall prevent an equine-activity sponsor or equine professional from invoking the privileges of immunity provided by this section.

FLORIDA STATUTES -- Fla. Stat. § 773.01 through § 773.05.

Fla. Stat. § 773.01 -- Definitions

As used in ss. 773.01-773.05:

(1) "Engages in an equine activity" means riding, training, assisting in veterinary treatment of, driving, or being a passenger upon an equine, whether mounted or unmounted, visiting or touring or utilizing an equine facility as part of an organized event or activity, or any person assisting a participant or show management. The term "engages in an equine activity" does not include being a spectator at an equine activity, except in cases where a spectator places himself in an unauthorized area.

(2) "Equine" means a horse, pony, mule, or donkey.

(3) "Equine activity" means:

- (a) Equine shows, fairs, competitions, performances, or parades that involve any or all breeds of equines and any of the equine disciplines including, but not limited to, dressage, hunter and jumper horse shows, grand prix jumping, three-day events, combined training, rodeos, riding, driving, pulling, cutting, polo, steeplechasing, English and western performance riding, endurance trail riding, gymkhana games, and hunting.
 - (b) Equine training or teaching activities or both.
 - (c) Boarding, including normal daily care of an equine.
 - (d) Riding, inspecting, or evaluating an equine belonging to another by a purchaser or an agent, whether or not the owner has received monetary consideration or other thing of value for the use of the equine or is permitting a prospective purchaser to ride, inspect, or evaluate it.
 - (e) Rides, trips, hunts, or other equine activities of any type, no matter how informal or impromptu, that are sponsored by an equine activity sponsor.
 - (f) Placing or replacing horseshoes or hoof trimming on an equine.
 - (g) Providing or assisting in veterinary treatment.
- (4) "Equine activity sponsor" means an individual, group, club, partnership, or corporation, whether or not the sponsor is operating for profit or nonprofit, which sponsors, organizes, or provides the facilities for an equine activity, including, but not limited to: pony clubs, 4-H clubs, hunt clubs, riding clubs, school and college- sponsored classes, programs, and activities, therapeutic riding programs, stable and farm owners and operators, instructors, and promoters of equine facilities, including, but not limited to, farms, stables, clubhouses, pony ride strings, fairs, and arenas at which the activity is held.
- (5) "Equine professional" means a person engaged for compensation:
- (a) In instructing a participant or renting to a participant an equine for the purpose of riding, driving, or being a passenger upon the equine;
 - (b) In renting equipment or tack to a participant;
 - (c) To provide daily care of horses boarded at an equine facility; or
 - (d) To train an equine.
- (6) "Inherent risks of equine activities" means those dangers or conditions which are an integral part of equine activities, including, but not limited to:
- (a) The propensity of equines to behave in ways that may result in injury, harm, or death to persons on or around them.
 - (b) The unpredictability of an equine's reaction to such things as sounds, sudden movement, and unfamiliar objects, persons, or other animals.
 - (c) Certain hazards such as surface and subsurface conditions.
 - (d) Collisions with other equines or objects.
 - (e) The potential of a participant to act in a negligent manner that may contribute to injury to the participant or others, such as failing to maintain control over the animal or not acting within his or her ability.
- (7) "Participant" means any person, whether amateur or professional, who engages in an equine activity, whether or not a fee is paid to participate in the equine activity.

Fla. Stat. § 773.02 -- General provisions.

Except as provided in s. 773.03, an equine activity sponsor, an equine professional, or any other person, which shall include a corporation or partnership, shall not be liable for an injury to or the death of a participant resulting from the inherent risks of equine activities and, except as

provided in s. 773.03, no participant nor any participant's representative shall have any claim against or recover from any equine activity sponsor, equine professional, or any other person for injury, loss, damage, or death of the participant resulting from any of the inherent risks of equine activities.

Fla. Stat. § 773.03 -- Limitation on liability for equine activity; exceptions.

- (1) This section shall not apply to the horseracing industry as defined in chapter 550.
- (2) Nothing in s. 773.02 shall prevent or limit the liability of an equine activity sponsor, an equine professional, or any other person if the equine activity sponsor, equine professional, or person:
 - (a) Provided the equipment or tack, and knew or should have known that the equipment or tack was faulty, and it was so faulty as to be totally or partially responsible for the injury;
 - (b) Provided the equine and failed to make reasonable and prudent efforts to determine the ability of the participant to engage safely in the equine activity, or to determine the ability of the participant to safely manage the particular equine based on the participant's representation of his ability;
 - (c) Owns, leases, rents, has authorized use of, or is otherwise in lawful possession and control of the land or facilities upon which the participant was injured, and the injury was due totally or in part, to a dangerous latent condition which was known to the equine activity sponsor, equine professional, or person and failed to post warning signs;
 - (d) Commits an act or omission that a reasonably prudent person would not have done or omitted under the same or similar circumstances or that constitutes willful or wanton disregard for the safety of the participant, which act or omission was a proximate cause of the injury; or
 - (e) Intentionally injures the participant.

Fla. Stat. § 773.04 -- Posting and notification.

- (1) Every equine activity sponsor and equine professional shall:
 - (a) Post and maintain one or more signs which contain the warning notice specified in subsection (2). These signs shall be placed in a clearly visible location near to where the equine activity begins. The warning notice specified in subsection (2) shall appear on the sign in black letters, with each letter to be a minimum of 1 inch in height, with sufficient color contrast to be clearly distinguishable.
 - (b) Give the participant a written document which the participant shall sign with the warning notice specified in subsection (2) clearly printed on it. Said written document may be used in lieu of posting the warning on the site of the equine activity sponsor's or equine professional's facility, and shall be given to any participant in an equine event not on the location of the equine activity sponsor's or equine professional's facility.
- (2) The signs and document described in subsection (1) shall contain the following warning notice:

WARNING

Under Florida law, an equine activity sponsor or equine professional is not liable for an injury to, or the death of, a participant in equine activities resulting from the inherent risks of equine activities.

Fla. Stat. § 773.05 -- Limitation on liability of persons making land available to public for recreational purposes.

Nothing in ss. 773.01-773.05 shall be construed to limit in any way the limitation of liability granted to private citizens who allow the public to use their land for recreational purposes, as provided in s. 375.251.

GEORGIA

Official Code of Georgia Annotated (O.C.G.A.) § 4-12-1 through § 4-12-4.

§ 4-12-1. Legislative findings.

The General Assembly recognizes that persons who participate in equine activities may incur injuries as a result of the risks involved in such activities. The General Assembly also finds that the state and its citizens derive numerous economic and personal benefits from such activities. The General Assembly finds, determines, and declares that this chapter is necessary for the immediate preservation of the public peace, health, and safety. It is, therefore, the intent of the General Assembly to encourage equine activities by limiting the civil liability of those involved in such activities.

§ 4-12-2. Definitions.

As used in this chapter, the term:

- (1) "Engages in an equine activity" means riding, training, providing or assisting in providing medical treatment of, driving, or being a passenger upon an equine, whether mounted or unmounted, or any person assisting a participant or show management. The term "engages in an equine activity" does not include being a spectator at an equine activity, except in cases where the spectator places himself in an unauthorized area and in immediate proximity to the equine activity.
- (2) "Equine" means a horse, pony, mule, donkey, or hinny.
- (3) "Equine activity" means:
 - (A) Equine shows, fairs, competitions, performances, or parades that involve any or all breeds of equines and any of the equine disciplines, including, but not limited to, dressage, hunter and jumper horse shows, grand prix jumping, three-day events, combined training, rodeos, driving, pulling, cutting, polo, steeplechasing, English and western performance riding, endurance trail riding and western games, and hunting;
 - (B) Equine training or teaching activities, or both;
 - (C) Boarding equines;
 - (D) Riding, inspecting, or evaluating an equine belonging to another, whether or not the owner has received some monetary consideration or other thing of value for the use of the equine or is permitting a prospective purchaser of the equine to ride, inspect, or evaluate the equine;
 - (E) Rides, trips, hunts, or other equine activities of any type however informal or impromptu that are sponsored by an equine activity sponsor;
 - (F) Placing or replacing horseshoes on an equine; and
 - (G) Examining or administering medical treatment to an equine by a veterinarian.

(4) "Equine activity sponsor" means an individual, group, club, partnership, or corporation, whether or not the sponsor is operating for profit or nonprofit, which sponsors, organizes, or provides the facilities for an equine activity, including, but not limited to, pony clubs; 4-H clubs; hunt clubs; riding clubs; school and college sponsored classes, programs, and activities; therapeutic riding programs; and operators, instructors, and promoters of equine facilities, including, but not limited to, stables, clubhouses, ponyride strings, fairs, and arenas at which the activity is held.

(5) "Equine professional" means a person engaged for compensation in:

(A) Instructing a participant or renting to a participant an equine for the purpose of riding, driving, or being a passenger upon the equine;

(B) Renting equipment or tack to a participant; or

(C) Examining or administering medical treatment to an equine as a veterinarian.

(6) "Inherent risks of equine activities" means those dangers or conditions which are an integral part of equine activities, including, but not limited to:

(A) The propensity of an equine to behave in ways that may result in injury, harm, or death to persons on or around them;

(B) The unpredictability of an equine's reaction to such things as sounds, sudden movement, and unfamiliar objects, persons, or other animals;

(C) Certain hazards such as surface and subsurface conditions;

(D) Collisions with other equines or objects; and

(E) The potential of a participant to act in a negligent manner that may contribute to injury to the participant or others, such as failing to maintain control over the animal or not acting within his or her ability.

(7) "Participant" means any person, whether amateur or professional, who engages in an equine activity, whether or not a fee is paid to participate in the equine activity.

§ 4-12-3. Immunity from liability for injury or death; exceptions.

(a) Except as provided in subsection (b) of this Code section, an equine activity sponsor, an equine professional, or any other person, which shall include a corporation or partnership, shall not be liable for an injury to or the death of a participant resulting from the inherent risks of equine activities and, except as provided in subsection (b) of this Code section, no participant or participant's representative shall make any claim against, maintain an action against, or recover from an equine activity sponsor, an equine professional, or any other person for injury, loss, damage, or death of the participant resulting from any of the inherent risks of equine activities.

(b) Nothing in subsection (a) of this Code section shall prevent or limit the liability of an equine activity sponsor, an equine professional, or any other person if the equine activity sponsor, equine professional, or person:

(1) (A) Provided the equipment or tack, and knew or should have known that the equipment or tack was faulty, and such equipment or tack was faulty to the extent that it did cause the injury.

(B) Provided the equine and failed to make reasonable and prudent efforts to determine the ability of the participant to engage safely in the equine activity and to safely manage the particular equine based on the participant's representations of his ability;

(2) Owns, leases, rents, or otherwise is in lawful possession and control of the land or facilities upon which the participant sustained injuries because of a dangerous latent condition which was

known or should have been known to the equine activity sponsor, equine professional, or person and for which warning signs have not been conspicuously posted;

(3) Commits an act or omission that constitutes willful or wanton disregard for the safety of the participant, and that act or omission caused the injury; or

(4) Intentionally injures the participant.

(c) Nothing in subsection (a) of this Code section shall prevent or limit the liability of an equine activity sponsor or an equine professional under liability provisions as set forth in the products liability laws.

§ 4-12-4. Warning required; effect of failure to comply with notice requirement.

(a) Every equine professional and every equine activity sponsor shall post and maintain signs which contain the warning notice specified in subsection (b) of this Code section. Such signs shall be placed in a clearly visible location on or near stables, corrals, or arenas where the equine professional or the equine activity sponsor conducts equine activities. The warning notice specified in subsection (b) of this Code section shall appear on the sign in black letters, with each letter to be a minimum of one inch in height. Every written contract entered into by an equine professional or by an equine activity sponsor for the providing of professional services, instruction, or the rental of equipment or tack or an equine to a participant, whether or not the contract involves equine activities on or off the location or site of the equine professional's or the equine activity sponsor's business, shall contain in clearly readable print the warning notice specified in subsection (b) of this Code section.

(b) The signs and contracts described in subsection (a) of this Code section shall contain the following warning notice:

WARNING

Under Georgia law, an equine activity sponsor or equine professional is not liable for an injury to or the death of a participant in equine activities resulting from the inherent risks of equine activities, pursuant to Chapter 12 of Title 4 of the Official Code of Georgia Annotated.

(c) Failure to comply with the requirements concerning warning signs and notices provided in this Code section shall prevent an equine activity sponsor or equine professional from invoking the privileges of immunity provided by this chapter.

MISSISSIPPI

Mississippi Code § 95-11-1. through § 95-11-7.

§ 95-11-1. Legislative findings and intent.

The Legislature recognizes that persons who participate in livestock shows or equine activities may incur injuries as a result of the risks involved in such activities. The Legislature also finds that the state and its citizens derive numerous economic and personal benefits from such activities. The Legislature finds, determines and declares that this chapter is necessary for the immediate preservation of the public peace, health and safety. It is, therefore, the intent of the Legislature to encourage livestock shows and equine activities by limiting the civil liability of those involved in such activities.

§ 95-11-3. *Definitions.*

As used in this chapter, the following words and phrases shall have the meanings ascribed herein unless the context clearly indicates otherwise:

(a) "Engages in livestock shows or equine activity" means riding, training, providing or assisting in providing medical treatment of, driving, or being a passenger upon an equine or other livestock, whether mounted or unmounted, or any person assisting a participant or show management. The term "engages in livestock shows or equine activity" does not include being a spectator at a livestock show or equine activity, except in cases where the spectator places himself in an unauthorized area and in immediate proximity to the livestock show or equine activity.

(b) "Equine" means a horse, pony, mule, donkey or hinny.

(c) "Livestock" means equines, cattle, swine, sheep and goats.

(d) "Livestock shows or equine activity" means:

(i) Livestock or equine shows, fairs, competitions, performances or parades that involve any or all breeds of livestock or equines and any of the equine disciplines, including, but not limited to, dressage, hunter and jumper horse shows, grand prix jumping, three-day events, combined training, rodeos, driving, pulling, cutting, polo, steeplechasing, English and Western performance riding, endurance trail riding, western games and hunting.

(ii) Equine or livestock training or teaching activities, or both.

(iii) Boarding equines or livestock.

(iv) Riding, inspecting, or evaluating an equine or livestock belonging to another, whether or not the owner has received some monetary consideration or other thing of value for the use of the equine or livestock or is permitting a prospective purchaser of the equine or livestock to ride, inspect or evaluate the equine or livestock.

(v) Rides, trips, hunts, or other equine or livestock activities of any type however informal or impromptu that are sponsored by an equine or livestock activity sponsor.

(vi) Placing or replacing horseshoes on an equine.

(vii) Examining or administering medical treatment to an equine or livestock by a veterinarian.

(e) "Equine or livestock activity sponsor" means an individual, group, club, partnership or corporation, whether or not the sponsor is operating for profit or nonprofit, which sponsors, organizes or provides the facilities for an equine activity or livestock show, including, but not limited to, pony clubs, 4-H clubs, hunt clubs, riding clubs, school and college sponsored classes,

programs, and operators, instructors, and promoters of equine or livestock facilities, including, but not limited to, stables, clubhouses, pony ride strings, fairs and arenas at which the activity is held.

(f) "Equine or livestock professional" means a person engaged for compensation in:

(i) Instructing a participant or renting to a participant, an equine or livestock for the purpose of riding, driving or being a passenger upon the equine.

(ii) Renting equipment or tack to a participant.

(iii) Examining or administering medical treatment to an equine or livestock as a veterinarian.

(g) "Inherent risks of equine or livestock activities" means those dangers or conditions which are an integral part of equine or livestock activities, including, but not limited to:

(i) The propensity of an equine or livestock to behave in ways that may result in injury, harm or death to persons on or around them.

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

(iii) Certain hazards such as surface and subsurface conditions.

(iv) Collisions with other equines or livestock or objects.

(v) The potential of a participant to act in a negligent manner that may contribute to injury to the participant or others, such as failing to maintain control over the animal or not acting within his or her ability.

(h) "Participant" means any person, whether amateur or professional, who engages in an equine activity or livestock show, whether or not a fee is paid to participate in the equine activity or livestock show.

§ 95-11-5. Extent of immunity from liability.

(1) Except as provided in subsection (2) of this section, an equine or livestock activity sponsor, an equine or livestock professional, or any other person, which shall include a corporation or partnership, shall not be liable for an injury to or the death of a participant resulting from the inherent risks of equine activities or livestock shows and, except as provided in subsection (2) of this section, a participant's representative shall not make any claim against, or recover from an equine or livestock professional, or any other person for injury, loss, damage or death of the participant resulting from any of the inherent risks of equine activities or livestock shows.

(2) Nothing in subsection (1) of this section shall prevent or limit the liability of an equine or

livestock activity sponsor, an equine or livestock professional or any other person if the equine or livestock activity sponsor, equine or livestock professional or person:

(a) (i) Provided the equipment or tack and knew or should have known that the equipment or tack was faulty, and such equipment or tack was faulty to the extent that it did cause the injury.

(ii) Provided the equine or livestock and failed to make reasonable and prudent efforts to determine the ability of the participant to engage safely in the equine activity or livestock show and to safely manage the particular equine or livestock based on the participant's representations of his ability.

(b) Owns, leases, rents or otherwise is in lawful possession and control of the land or facilities upon which the participant sustained injuries because of a dangerous latent condition which was known or should have been known to the equine or livestock activity sponsor, equine or livestock professional or person, and for which warning signs have not been conspicuously posted.

(c) Commits an act or omission that constitutes willful or wanton disregard for the safety of the participant, and that act or omission caused the injury.

(d) Intentionally injures the participant.

(3) Nothing in subsection (1) of this section shall prevent or limit the liability of an equine or livestock activity sponsor or an equine or livestock professional under liability provisions as set forth in products liability laws.

§ 95-11-7

(1) Every equine or livestock activity sponsor and every equine or livestock professional shall post and maintain signs which contain the warning notice specified in subsection (2) of this section. Such signs shall be placed in a clearly visible location on or near stables, corrals or arenas where the equine or livestock activity sponsor or the equine or livestock professional conducts equine activities or livestock shows. The warning notice specified in subsection (2) of this section shall appear on the sign in black letters, with each letter to be a minimum of one (1) inch in height. Every written contract entered into by an equine or livestock professional or by an equine or livestock activity sponsor for the providing of professional services, instruction or the rental of equipment or tack, or an equine or livestock participant, whether or not the contract involves equine activities or livestock shows on or off the location or site of the equine or livestock activity sponsor's or the equine or livestock professional's business, shall contain in clearly readable print the warning notice specified in subsection (2) of this section.

(2) The signs and contracts described in subsection (1) of this section shall contain the following warning notice:

WARNING:

Under Mississippi law, an equine or livestock activity sponsor or an equine or livestock professional is not liable for an injury to or the death of a participant in equine activities or livestock shows resulting from the inherent risks of equine activities or livestock shows, pursuant to this chapter.

(3) Failure to comply with the requirements concerning warning signs and notices provided in this section shall prevent an equine or livestock activity sponsor or equine or livestock professional from invoking the privileges of immunity provided by this chapter.

TENNESSEE -- Tenn. Code Ann. § 44-20-101 through 44-20-105

§ 44-20-101. Legislative findings and intent.

The general assembly recognizes that persons who participate in equine activities may incur injuries as a result of the risks involved in such activities. The general assembly also finds that the state and its citizens derive numerous economic and personal benefits from such activities. It is, therefore, the intent of the general assembly to encourage equine activities by limiting the civil liability of those involved in such activities.

44-20-102. Definitions.

As used in this chapter, unless the context otherwise requires:

(1) (A) "Engages in an equine activity" means riding, training, assisting in medical treatment of, driving, or being a passenger upon an equine, whether mounted or unmounted or any person assisting a participant or show management.

(B) "Engages in an equine activity" does not include being a spectator at an equine activity, except in cases where the spectator places such spectator's person in an unauthorized area and in immediate proximity to the equine activity;

(2) "Equine" means a horse, pony, mule, donkey, or hinny;

(3) "Equine activity" means:

(A) Equine shows, fairs, competitions, performances, or parades that involve any or all breeds of equines and any of the equine disciplines, including, but not limited to, dressage, hunter and jumper horse shows, grand prix jumping, three-day events, combined training, rodeos, driving, pulling, cutting, polo, steeplechasing, English and western performance riding, endurance trail riding and western games, and hunting;

(B) Equine training or teaching activities, or both;

(C) Boarding equines;

(D) Riding, inspecting, or evaluating an equine belonging to another, whether or not the owner has received some monetary consideration or other thing of value for the use of the equine or is permitting a prospective purchaser of the equine to ride, inspect, or evaluate the equine;

(E) Rides, trips, hunts, or other equine activities of any type, however informal or impromptu, that are sponsored by an equine activity sponsor; and

(F) Placing or replacing horseshoes on an equine;

(4) "Equine activity sponsor" means an individual, group, club, partnership, or corporation, whether or not the sponsor is operating for profit or nonprofit, which sponsors, organizes, or

provides the facilities for an equine activity, including, but not limited to, pony clubs, 4-H clubs, hunt clubs, riding clubs, school and college- sponsored classes, programs and activities, therapeutic riding programs, and operators, instructors, and promoters of equine facilities, including, but not limited to, stables, clubhouses, ponyride strings, fairs, and arenas at which the activity is held;

(5) "Equine professional" means a person engaged for compensation:

(A) In instructing a participant or renting to a participant an equine for the purpose of riding, driving, or being a passenger upon the equine; or

(B) In renting equipment or tack to a participant;

(6) "Inherent risks of equine activities" means those dangers or conditions which are an integral part of equine activities, including, but not limited to:

(A) The propensity of an equine to behave in ways that may result in injury, harm, or death to persons on or around them;

(B) The unpredictability of an equine's reaction to such things as sounds, sudden movements, and unfamiliar objects, persons, or other animals;

(C) Certain hazards such as surface and subsurface conditions;

(D) Collisions with other equines or objects; and

(E) The potential of a participant to act in a negligent manner that may contribute to injury to the participant or others, such as failing to maintain control over the animal or not acting within the participant's ability.

(7) "Participant" means any person, whether amateur or professional, who engages in an equine activity, whether or not a fee is paid to participate in the equine activity.

44-20-103. Limitation on liability for injury or death of participant.

Except as provided in § 44-20-104, an equine activity sponsor, an equine professional, or any other person, which shall include a corporation or partnership, shall not be liable for an injury to or the death of a participant resulting from the inherent risks of equine activities. Except as provided in § 44-20-104, no participant or participant's representative shall make any claim against, maintain an action against, or recover from an equine activity sponsor, an equine professional, or any other person for injury, loss, damage, or death of the participant resulting from any of the inherent risks of equine activities.

44-20-104. Applicability -- Where liability not prevented or limited.

(a) This chapter shall not apply to the horse racing industry as regulated in title 4, chapter 36.

(b) Nothing in § 44-20-103 shall prevent or limit the liability of an equine activity sponsor, an equine professional, or any other person if the equine activity sponsor, equine professional, or person:

(1) (A) Provided the equipment or tack, and knew or should have known that the equipment or tack was faulty, and such equipment or tack was faulty to the extent that it did cause the injury; or

(B) Provided the equine and failed to make reasonable and prudent efforts to determine the ability of the participant to engage safely in the equine activity and determine the ability of the participant to safely manage the particular equine based on the participant's representations of the participant's ability;

- (2) Owns, leases, rents, or otherwise is in lawful possession and control of the land or facilities upon which the participant sustained injuries because of a dangerous latent condition which was known to the equine activity sponsor, equine professional, or person and for which warning signs have not been conspicuously posted;
 - (3) Commits an act or omission that constitutes willful or wanton disregard for the safety of the participant, and that act or omission caused the injury; or
 - (4) Intentionally injures the participant.
- (c) Nothing in § 44-20-103 shall prevent or limit the liability of an equine activity sponsor or an equine professional:
- (1) Under product liability provisions in title 29, chapter 28; or
 - (2) Under trespass provisions in chapter 8 of this title.
- (d) Title 70, chapter 7 does not apply to an equine activity sponsor or an equine professional. It is the legislative intent that equine activity sponsors and equine professionals be held to a higher standard of care.

44-20-105. Warning signs and notice.

(a) Every equine professional shall post and maintain signs which contain the warning notice specified in subsection (b). Such signs shall be placed in clearly visible locations on or near stables, corrals, or arenas where the equine professional conducts equine activities if such stables, corrals, or arenas are owned, managed, or controlled by the equine professional. The warning notice specified in subsection (b) shall appear on the sign in black letters, with each letter to be a minimum of one inch (1") in height. Every written contract entered into by an equine professional for the providing of professional services, instruction, or the rental of equipment or tack or an equine to a participant, whether or not the contract involves equine activities on or off the location or site of the equine professional's business, shall contain in clearly readable print the warning notice specified in subsection (b).

(b) The signs and contracts described in subsection (a) shall contain the following warning notice:

WARNING

Under Tennessee Law, an equine professional is not liable for an injury to or the death of a participant in equine activities resulting from the inherent risks of equine activities, pursuant to Tennessee Code Annotated, title 44, chapter 20.

***** END *****