

Equine Activity Liability Acts

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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. The primary rationale was that 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 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. Although, EALAs are designed to support the horse community by limiting liability from the inherent risks associated with horse activities, they do not offer complete immunity. Mishaps involving non-inherent risks fall outside the scope of EALA laws – ie. faulty tack or equipment, failing to properly match mount and rider, latent condition, 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 a majority of states. (All but CA & MD.) The most recent was signed into law by New York Governor Cuomo on October 23, 2017. The NY law differs in that it is primarily an agricultural tourism law. Although the EALA was originally designed to be a uniform law, individual states adjusted and reworked the version that passed their individual state legislatures and what became law in individual states was changed and modified to the extent that it no longer resembles a uniform law. One cannot rely on the version passed in one state to apply in another. Specific EALA law must be carefully considered in each state to determine the application and immunity available in that state. Liability assessment varies and is dependent on the specific language of the EALA statute in each state. Before considering what protection is offered by an EALA in any specific state, one must closely read the version that became law 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 resources provide descriptions and links to various EALA state statutes throughout the country, as well as some discussions regarding possible legal interpretations. For further reading please refer to the websites of *The American Horse Council*, *The American Equestrian Alliance*, *Equine Legal Solutions*, Equine Law Blog, *Animal Law*, equine insurance websites and many law school websites. Additional internet information is available by searching “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.

Most states have enacted some form of an EALA or a livestock law. Many states also have laws regarding sports, recreation, and/or recreational land use that may compliment or conflict with a state EALA. Because the state legislatures may change the law, 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 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 such as The American Equestrian Alliance, Animal Law, etc.

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 the specific and **limited immunity** granted by the law.

3. **Exceptions**.

4. **Requirements** to invoke the limited immunity offered. This could be signage and notices on contracts, releases, etc. and may include specific required wording. Failure to comply with requirements and the law may not protect you!

The primary legal question to determine whether the EALA immunity is invoked is: **Was the participant injured/damaged as a result of the inherent risk of being engaged in an equine activity offered by an equine activity sponsor or equine professional?**

III. Case Law

When a case is determined by a court, it becomes legal precedent in that jurisdiction and is binding on very specific facts and law. A case determined in one state is NOT 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 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 facts, 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 hoping to change the result. The *Appellee* is in the position on appeal of defending the ruling of the lower court.

IV. Some Interesting Cases *Pre-EALA – good read:*

Ewing v. Prince, 425 S.W. 2d 732, Kentucky (1968)

Plaintiff claimed damages for injuries when she was kicked by a mare she approached from behind while riding another horse. Held that no dangerous or vicious propensities in Jezebel, the animal in question. She had plenty of life but could be handled by anyone. Great language re:Flicka, Trigger, Champion and even Mr. Ed!

North Hardin Developers, Inc. v. Corkran, 839 S.W. 2d 258, Kentucky (1992)

Child sustained fractured skull after being kicked by horse she approached from behind in pasture. Undisputed that child had climbed through barbed wire fence on a dare to touch a horse. Horse was not known to be violent and was startled. Property owner knew kids trespassed, had posted notices and even hired someone part time to chase the children away! Good case re: attractive nuisance doctrine and duty of care owed to others. Ordinary domesticated animals are a natural condition when securely maintained on a farm and do not constitute an unreasonable risk or even a foreseeable risk of harm to others.

***** *Cases after EALA* *****

Markowitz v. Bainbridge Equestrian Center, Inc., 11th District, 2007 WL 959906, Ohio. Unpublished. Horse camp rider injured when pony startled by thunder, reared. Good language re: “Precisely the kind of activity” the EALA is intended to immunize.

Baker v. McIntosh, 132 S. W. 3d 20, Kentucky, (2004) Plaintiff Baker claimed injuries after colt backed into gate pinning and breaking Baker's wrist. McIntosh, was a horse trader, Baker, friend and frequent visitor. Baker could not expect McIntosh to make special preparation for his safety when it was obvious that Baker could have discovered that himself. McIntosh was entitled to conduct his business as he was accustomed and had no duty to further warn Baker. Similar, **Allison v. Johnson**, 2001 WL589384, Ohio, (2001), dealing with gate that broke when horse struck it causing a board to hit and injure Plaintiff.

Columbus v. Moore, 2006 WL 2089210, Michigan. Unpublished. Plaintiff injured by horse kick at a horse sale. Contended she was a spectator since she was not buying. Court said she was a participant – she looked, talked with sellers, and was in area of the activity. EALA applied.

Amburgey v. Sauder, 605 N.W. 2d 84, Michigan, (1999). 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. By the express definition in the EALA, Amburgey was a "participant" who was "engaged in an equine activity" while touring the barn (MI 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 MI 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 but 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 EALA protections. This case contains an excellent judicial discussion regarding the strict interpretation of the actual words of the MI EALA as well as the purposes. By footnote, cites the "penalty" imposed by an EALA for failure to post a sign; i.e. the law will not protect!

A similar horse bite case was determined in Connecticut. 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.

Friedli v. Kerr, Tenn. App., unpublished, 2001 WL 177184, Tennessee, (2001) . The Friedli's were touring downtown Nashville in horse-drawn carriage owned by Kerr when a loud noise frightened Talon, the horse, and he bolted. The Friedli's were dumped on the street, Talon broke free and then completed his usual route without the carriage, the driver, or the passengers. Friedli's sued and Kerr claimed EALA. The trial court 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 court disagreed and held that Kerr owed the Friedli's only an ordinary duty of care. The appeals court expressly reversed the trial court's judgment determining that Kerr should NOT be held to the same heightened duty expected of common

carriers or operators of amusement rides. Case made no final rulings whether the EALA applied but costs were taxed to BOTH parties – giving rise to doubt and questions.

Gardner v. Simon, 2006 WL 2244124, Michigan. Plaintiff Gardner was injured when horse, Nick, reared, caught hooves in tree, and fell over. Good language re: green broke horse, warnings, and legal discussion of limiting the liability and application of EALA under circumstances of negligence. Trial court granted summary judgment, relieving Simon under EALA. Gardner appealed and presented evidence that she was not warned of Nick's known dangerous propensities. Appeals court returned to trial court to review facts to determine appropriate duty of care owed to Gardner by Simon. Was there negligence?

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 in the riding pen, then Peyton rode the horse under the 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 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. Plaintiff Gibson, on her own horse, suffered personal injuries when she involuntarily dismounted after being chased by a free-running dog on a city-owned field. Defendant Donahue, the dog-owner, 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 went out on immunity. This case is hilarious reading and worth the view!

Halpern v. Wheeldon, 890 P.2d. 562, Wyoming, (1995). Plaintiff Halpern, who was inexperienced with horses, was injured while attempting to mount a horse owned by Defendant Wheeldon for a contracted trail ride. The trial court ruled in favor of Wheeldon and Halpern appealed. The Wyoming statute did not provide guidance of inherent risks of equine activities, so the determination of whether mounting was an inherent risk is a question of fact, not law; therefore, inappropriate for summary judgment. The supreme court returned this case to the trial court to factually determine whether mounting was an inherent risk.

Hellen v. Hellen, 831 N.W. 2d 430, 348 Wis. 2d 223, 2013 WI App 69 (2013). Ruth Hellen injured while holding lead rope for daughter-in-law, Rebecca Hellen to mount Whisper. Hip broken in her fall. EALA applied since equine activity, not necessarily mounted. However, summary judgment improper since there is a factual issue of whether Rebecca made reasonable effort to determine Ruth's ability to engage in equine activity.

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 chose to stand 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 training. Kangas was visiting the horse farm with her husband and was invited to ride on the sled. 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.

Perry v. Whitley County 4-H Clubs, Inc., 931 N.E.2d 933; 2010 Indiana App. LEXIS 1501. Plaintiff Perry was an adult helper with 4-H equine events and was injured when a horse kicked her in a competition as she was assisting a child horse-handler. She also argued improper signage on the competition barn but admitted seeing the appropriate sign in an adjacent barn on numerous past occasions. Trial court ruled that sign was appropriate and that Perry's injury resulted from inherent risks of equine activities within the EALA. Appeals court upheld.

Snider v. Ft. Madison Rodeo, 2002 WL 570890, Iowa (2002) Unpublished. Plaintiff Snider crossed the street mid-parade and was injured by a pony in the parade. She sued the parade sponsor, the rodeo company. Snider lost and appealed. The Iowa Court of Appeals upheld that summary judgment for the parade sponsor 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.

Stoffels v. Harmony Hill, 912 A. 2d 184, New Jersey (2006). Plaintiff Stoffels was injured when she was thrown from a horse owned by Defendant Harmony Hills. T/ct ruled for defendant giving full coverage to the EALA. NJ Superior Court held that EALA clearly applied, however, not absolute immunity. Rider claimed 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.

*****Reading a variety of the cases across the country will help you understand some of the reasons people may sue. This sampling should help you get started on a fun reading adventure!

V. Take Away.

KNOW YOUR STATE LAW! The law in another state has no application in your state!

PATH, Intl., Region 5 Conference – Alabama, Florida, Georgia, Mississippi, and Tennessee -- Ocala, Florida, August 3, 2019

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, ass, 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. (Helmet 773.06)

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. (*Recreational Land Usage*)

Fla. Stat. § 773.06 Helmet requirements; penalties.

(1) As used in this section, the term “equine” has the same meaning as provided in s. 773.01.

(2) A child who is younger than 16 years of age must wear a helmet that meets the current applicable standards of the American Society of Testing and Materials for protective headgear used in horseback riding and that is properly fitted and fastened securely upon the child’s head by a strap when the child is riding an equine upon:

(a) A public roadway or right-of-way;

(b) A public equestrian trail, public recreational trail, public park or preserve, or public school site; or

(c) Any other publicly owned or controlled property.

(3) A trainer, instructor, supervisor, or other person may not knowingly rent or lease an equine to be ridden by a child younger than 16 years of age unless the child possesses a helmet meeting the requirements of this section or the trainer, instructor, supervisor, or other person renting or leasing the equine supplies the child with a helmet meeting the standards of this section.

(4) A parent or guardian of a child younger than 16 years of age may not authorize or knowingly permit the child to violate this section.

(5) A person who violates subsection (3) or subsection (4) commits a noncriminal violation, punishable as provided in s. 775.083. (*fine schedule*)

(6) This section does not apply to a child younger than 16 years of age who is riding an equine when the child is:

(a) Practicing for, riding to or from, or competing or performing in shows or events, including, but not limited to, rodeos and parades, where helmets are not historically a part of the show or event;

(b) Riding on privately owned land even if the land is occasionally separated by a public road or right-of-way that must be crossed; or

(c) Engaged in an agricultural practice or pursuit.

GEORGIA

Official Code of Georgia Annotated (O.C.G.A.) § 4-12-1 through § 4-12-7.

Ga. Code Ann., § 4-12-1. Legislative findings.

The General Assembly recognizes that persons who participate in equine activities, livestock activities, or llama 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,

livestock activities, and llama activities by limiting the civil liability of those involved in such activities.

Ga. Code Ann., § 4-12-2. Definitions.

As used in this chapter, the term:

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

(2) “Engages in an equine activity” means riding, training, 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 or herself in an unauthorized area and in immediate proximity to the equine activity.

(3) “Equine” means a horse, pony, mule, donkey, or hinny.

(4) “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.

(5) “Equine activity sponsor” means an entity 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.

(6) “Equine professional” means an entity 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.

(7) “Inherent risks of animal activities” means those dangers or conditions which are an integral part of equine activities, livestock activities, or llama activities, as the case may be, including, but not limited to:

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

(B) The unpredictability of the animal'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 animals 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.

(7.1) “Livestock” means swine, cattle, sheep, and goats.

(7.2) “Livestock activity” means any event in which participants are engaged in the grazing, herding, feeding, branding, boarding, milking, inspecting, or evaluating of livestock, or taking part in any other activity that involves the care or maintenance of livestock wherein such participants are not charged a fee for their participation, unless such fees charged are used exclusively for educational, scholarship, or training purposes for participants who are 23 years of age or younger; the care and maintenance of the equipment, tack, or livestock in use during such participation; or for facility overhead costs.

(7.3) “Livestock activity sponsor” means an entity sponsoring, organizing, or providing facilities for a livestock activity, and includes all employees of such entity.

(7.4) “Livestock facility” means a property or facility at which a livestock activity is held.

(7.5) “Livestock professional” means an entity owning livestock that is involved in a livestock activity.

(8) “Llama” means a South American camelid which is an animal of the genus lama, commonly referred to as a “one llama,” including llamas, alpacas, guanacos, and vicunas.

(9) “Llama activity” means:

(A) Llama shows, fairs, competitions, performances, packing events, or parades that involve any or all breeds of llamas;

(B) Using llamas to pull carts or to carry packs or other items;

(C) Using llamas to pull travois-type carriers during rescue or emergency situations;

(D) Llama training or teaching activities or both;

(E) Taking llamas on public relations trips or visits to schools or nursing homes;

(F) Participating in commercial packing trips in which participants pay a llama professional to be a guide on a hike leading llamas;

(G) Boarding llamas;

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

(I) Using llamas in wool production;

(J) Rides, trips, or other llama activities of any type however informal or impromptu that are sponsored by a llama activity sponsor; and

(K) Trimming the nails of a llama.

(10) “Llama activity sponsor” means an entity which sponsors, organizes, or provides the facilities for a llama activity, including, but not limited to, llama 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 llama facilities, including, but not limited to, stables, clubhouses, fairs, and arenas at which the activity is held.

(11) “Llama professional” means an entity engaged for compensation:

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

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

(12) “Participant” means any person, whether amateur or professional, who engages in an equine activity, a livestock activity, or a llama activity, whether or not a fee is paid to participate in such activity.

Ga. Code Ann., § 4-12-3. Immunity from liability; exceptions.

(a) Except as provided in subsection (b) of this Code section, an equine activity sponsor, an equine professional, a livestock activity sponsor, a livestock professional, an owner of a livestock facility, a llama activity sponsor, a llama 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 animal 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, a livestock activity sponsor, a livestock professional, an owner of a livestock facility, a llama activity sponsor, a llama professional, or any other person for injury, loss, damage, or death of the participant resulting from any of the inherent risks of animal activities during the course of any equine activity, livestock activity, or llama activity.

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

(1)(A) Provided equipment or tack for the activity, 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 caused the injury;

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

(C) With respect to livestock activities, provided the livestock and failed to make reasonable efforts to determine the propensity of the particular livestock to cause harm or failed to make reasonable efforts to determine the ability of the participant to engage safely in the

activity based on the participant's representations of his or her ability and based on propensity of the particular livestock to cause harm;

(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, livestock activity sponsor, livestock professional, owner of a livestock facility, llama activity sponsor, llama 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, equine professional, a livestock activity sponsor, a livestock professional, an owner of a livestock facility, llama activity sponsor, or llama professional under liability provisions as set forth in the products liability laws.

(d) Nothing in this Code section nor any provision of the laws of this state recognizing equine activity, livestock activity, or llama activity as inherently dangerous shall serve as a basis for liability on the part of any person who encourages, promotes, or instructs others in equine activities, livestock activities, or llama activities.

Ga. Code Ann., § 4-12-4 Warning notices

(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 the business location or site of the equine professional or the equine activity sponsor, 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 language substantially similar to 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 animal 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.

Ga. Code Ann., § 4-12-5 Warning notices relating to llama activities.

(a) Every llama professional and every llama 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, pens, or arenas where the llama professional or the llama activity sponsor conducts llama 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 a llama professional or by a llama activity sponsor for the providing of professional services, instruction, or the rental of equipment or tack or a llama to a participant, whether or not the contract involves llama activities on the business location or site of the llama professional or the llama activity sponsor, 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 language substantially similar to the following warning notice:

WARNING

Under Georgia law, a llama activity sponsor or llama professional is not liable for an injury to or the death of a participant in llama activities resulting from the inherent risks of animal 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 a llama activity sponsor or llama professional from invoking the privileges of immunity provided by this chapter.

Ga. Code Ann., § 4-12-6 Warning notices relating to livestock activities.

(a) Every livestock activity sponsor, livestock professional, and owner of a livestock facility 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 livestock activity sponsor conducts livestock 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 a livestock activity sponsor, livestock professional, or livestock owner for the providing of professional services, instruction, or the rental of equipment, tack, or livestock to a participant, whether or not the contract involves livestock activities on the business location or site of such livestock activity sponsor, livestock professional, or livestock owner, 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 language substantially similar to the following warning notice:

WARNING

Under Georgia law, a livestock activity sponsor, livestock professional, or owner of a livestock facility is not liable for an injury to or the death of a participant in livestock activities resulting from the inherent risks of animal 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 a livestock activity sponsor, livestock professional, or owner of a livestock facility from invoking the privileges of immunity provided by this chapter.

Ga. Code Ann., § 4-12-7 Construction.

Nothing in this chapter shall be construed so as to abrogate or otherwise affect the provisions of Chapter 3 of this title. (*Livestock running at large*)

MISSISSIPPI

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

Mississippi Code § 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.

Mississippi Code § 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.

Mississippi Code § 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.

Mississippi Code § 95-11-7 Posting signs containing warning notice.

(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

Tenn. Code Ann § 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.

Tenn. Code Ann 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.

Tenn. Code Ann 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.

Tenn. Code Ann 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 (*landowner liability*) 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.

Tenn. Code Ann 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 *****