

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 176
Committee Substitute Favorable 4/23/97

Short Title: Equine Activities/Duties and Liability.

(Public)

Sponsors:

Referred to:

February 17, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY RESPONSIBILITIES AND LIABILITY FOR EQUINE
3 ACTIVITIES.

4 The General Assembly of North Carolina enacts:

5 Section 1. Chapter 106 of the General Statutes is amended by adding a new
6 Article to read:

7 **“ARTICLE 68.**

8 **“EQUINE ACTIVITY LIABILITY.**

9 **“§ 106-810. Purpose; findings.**

10 The General Assembly finds that persons who participate in equine activities may
11 incur injuries as a result of the risks involved in such activities. The General Assembly
12 also finds that the State and its citizens derive numerous economic and personal benefits
13 from such activities. It is, therefore, the intent of the General Assembly to encourage
14 equine activities by clarifying the responsibilities of equine activity sponsors, equine
15 professionals, and participants in equine activities.

16 **“§ 106-811. Definitions.**

17 As used in this Article, the term:

- 18 (1) ‘Engage in an equine activity’ means participate in an equine activity,
19 assist a participant in an equine activity, or assist an equine activity

1 sponsor or equine professional. The term 'engage in an equine activity'
2 does not include being a spectator at an equine activity, except in cases
3 in which the spectator places himself in an unauthorized area and in
4 immediate proximity to the equine activity.

5 (2) 'Equine' means a horse, pony, mule, donkey, or hinny.

6 (3) 'Equine activity' means any activity involving an equine.

7 (4) 'Equine activity sponsor' means an individual, group, club, partnership,
8 or corporation, whether the sponsor is operating for profit or nonprofit,
9 which sponsors, organizes, or provides the facilities for an equine
10 activity. The term includes operators and promoters of equine facilities.

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

12 a. Instructing a participant;

13 b. Renting an equine to a participant for the purpose of riding,
14 driving, or being a passenger upon the equine;

15 c. Renting equipment or tack to a participant;

16 d. Examining or administering medical treatment to an equine; or

17 e. Hooftrimming or placing or replacing horseshoes on an equine.

18 (6) 'Inherent risks of equine activities' means those dangers or conditions
19 which are an integral part of equine activities, including:

20 a. The possibility of an equine behaving in ways that may result in
21 injury, harm, or death to persons on or around them; and

22 b. The unpredictability of an equine's reaction to such things as
23 sounds, sudden movement, unfamiliar objects, persons, or other
24 animals.

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

28 **"§ 106-812. Liability.**

29 (a) Except as provided in subsection (b) of this section, an equine activity sponsor,
30 an equine professional, or any other person, including a corporation or partnership, shall
31 not be liable for an injury to or the death of a participant resulting from the inherent risks
32 of equine activities and, except as provided in subsection (b) of this section, no
33 participant or participant's representative shall maintain an action against or recover from
34 an equine activity sponsor, an equine professional, or any other person for injury, loss,
35 damage, or death of the participant resulting exclusively from any of the inherent risks of
36 equine activities.

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

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

